

16 DECEMBER 1946

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Monday, 16 December, 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, same as before with
the exception of: HONORABLE JUSTICE D. JARANILLA,
Member from the Republic of the Philippines, not
sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

The Accused:

All present except OKAWA, Shumei, who is
represented by his counsel.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: If the President please, we
5 request that SUZUKI, Tadakatsu, be brought in and
6 put on the witness stand to identify IPS document
7 2782.

8 THE PRESIDENT: If he is merely to produce
9 a document it is not necessary to swear him.

10 MR. LOPEZ: It is only for that purpose.

11 THE PRESIDENT: For the production he need
12 not be sworn. All this man is to do is to produce
13 the document, is that so?

14 MR. LOPEZ: Yes, sir; and testify, your Honor.

15 THE PRESIDENT: That is another matter.
16 Swear him in.

17 - - - -
18
19
20
21
22
23
24
25

SUZUKI

DIRECT

1 S U Z U K I, T A D A K A T S U, called as a
2 witness on behalf of the prosecution, having
3 first been duly sworn, testified through
4 Japanese interpreters as follows:

5 MR. LOPEZ: If your Honor please.

6 DIRECT EXAMINATION

7 BY MR. LOPEZ:

8 Q Please give us your full name.

9 A SUZUKI, Tadakatsu.

10 Q I show you IPS document No. 2782 and ask
11 you to state if you are familiar with it?

12 A With regard to the contents of this
13 affidavit I should like to be permitted to mention
14 three points which I feel may be misleading. First
15 of all, I should like to make clear the name of the
16 office over which I presided. This is called the
17 "Foreign National Section" but the correct name of
18 the bureau over which I presided was the "Bureau in
19 Charge of Japanese Nationals in Enemy Countries." The
20 second point is as to how the notes of protest
21 sent by the Minister of the Swiss Government to
22 the Foreign Office were handled by us. It is said
23 that copies and translation of it were sent to the
24 War Ministry and other sections concerned. With
25 respect to the other sections concerned, in other

1 words, "the Vice Minister of War, the Chief of
2 the Military Affairs Bureau, and the Chief of the
3 Prisoner-of-War Information Bureau," it says, "and'
4 the Chief of the Prisoner-of-War Information Bureau,"
5 but I feel it would be more accurate to say, "'or'
6 the Chief of the Prisoner-of-War Information Bureau."
7 Third and last point, it is stated in the affidavit
8 that I examined IPS documents 10-B and on, numbering
9 twenty. As a matter of fact, nine of the documents
10 from 10-B on were handled before my office was formed.
11 It is accurate to say that outside of the replies
12 sent by the Foreign Office the nine documents were
13 received by the Foreign Office.
14

15 THE PRESIDENT: We would have a better
16 appreciation of what the witness is saying if we
17 knew what the affidavit contains. This explanation
18 seems to be premature. You had better take charge
19 of him, Mr. Lopez.

20 Q Aside from these corrections you have
21 stated, do you have any other corrections to make
22 on document 2782, your affidavit?

23 A I had intended to make one more remark
24 with respect to the third point but I feel that
25 that is now unnecessary.

MR. LOPEZ: At this juncture we offer in

SUZUKI

DIRECT

1 evidence IPS document No. 2782, identified by the
2 witness, Tadakatsu SUZUKI as his, subject to the
3 corrections just stated, your Honor.

4 THE PRESIDENT: Is that your affidavit?

5 THE WITNESS: Yes, sir.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2782 will receive exhibit No. 1489.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1489 and received in evidence.)

12 MR. LOPEZ: We read the affidavit in its
13 entirety, subject to the corrections made by the
14 witness, at this time.

15 THE PRESIDENT: Yes.

16 MR. LOPEZ: (Reading) "I, SUZUKI, Tadakatsu,
17 make oath and say as follows:

18 "Q State your name, age, and residence.

19 "A SUZUKI, Tadakatsu, 51 years of age, residing
20 at Yokohama.

21 "Q When war broke out what position did you
22 hold with the government of Japan?

23 "A I was Minister Plenipotentiary in Egypt
24 since 1940. I came home to Japan on an exchange
25 ship in August of 1942 and in December of 1942 I was

SUZUKI

DIRECT

1 made chief of the Foreign National Section of the
2 Foreign Office.

3 "Q Until what time did you hold that office?

4 "A Until July of 1945.

5 "Q During your incumbency were you familiar
6 with American notes protesting against mistreatments
7 of American prisoners-of-war and civilians in the
8 Philippines which were coursed through the Swiss
9 Legation?

10 "A Yes.

11 "Q Throughout your incumbency what was the
12 practice of your office once those protests were
13 received?

14 "A The notes were received either in French
15 or English and were translated into Japanese. A
16 copy of the note with its Japanese translation was
17 sometimes addressed to the Minister of War, the Vice
18 Minister of War, the Military Affairs Bureau, or
19 the Prisoner-of-War Information Bureau, depending on
20 the importance and also the contents of the note.
21 Nevertheless we furnished copies, together with
22 their translations, to the other sections concerned
23 of the War Ministry (the Vice Minister of War, the
24 Chief of the Military Affairs Bureau, and the Chief
25 of the Prisoner-of-War Information Bureau). In

SUZUKI

DIRECT
CROSS

1 sending those notes, together with their translation,
2 we accompanied them with a covering note which was
3 either a simple note in itself, or accompanied by
4 our own comments or recommendations.

5 "Q Please examine these U.S. State Department
6 notes marked as IPS Documents 10-B through 10-X,
7 inclusive (excepting 10-0), and tell us if they
8 have been received by the Foreign Office in Japan
9 through the intervention of the Swiss Legation.

10 "A Yes, they were received by the Foreign
11 Office in the routine procedure of forwarding them
12 to the different departments of our government."

13 That is all for the witness.

14 THE PRESIDENT: Mr. Logan.

15 MR. LOGAN: If the Tribunal please.

16 CROSS-EXAMINATION

17 BY MR. LOGAN:

18 Q Mr. SUZUKI, what was the exact date that
19 you became chief of this bureau?

20 A I think it was the first of December, 1942.

21 Q So that, Mr. SUZUKI, you do not know what
22 procedure was followed in that section with respect
23 to these protests prior to December 1, 1942, is that
24 so?

25 A Not directly as to how it was handled.

SUZUKI

CROSS

1 Q Do you know of your own personal knowledge
2 whether prosecution's exhibits 1468 through 1476,
3 which were the document numbers 10-B through 10-J,
4 were forwarded to any of these bureaus mentioned in
5 your affidavit?

6 A On that point, as Director of the Bureau
7 in Charge of Japanese Nationals in Enemy Countries,
8 I handled previous communications according to the
9 procedure established before my time and, therefore,
10 I am familiar with that procedure indirectly and
11 transmitted these to the War Office.

12 Q While you may know about it indirectly
13 you do not know of your own knowledge which of these
14 documents or if any of them which I have just named
15 were sent to any of these other bureaus, isn't that
16 true?

17 A In order to clarify my previous answer I
18 wish to state that I myself made certain of this
19 matter at the Foreign Office myself -- took steps
20 to make certain of this matter at the Foreign Office.

21 Q Well, in your affidavit you say that copies
22 of these notes with Japanese translations were some-
23 times addressed to these other bureaus. Now, let us
24 take the first one, exhibit 1468. That is document
25 10-B, dated December 18, 1941. Can you tell us which

SUZUKI

CROSS

1 of those bureaus mentioned in your affidavit --
2 that a copy of that document, a Japanese translation,
3 was sent to?

4 A I cannot reply concretely saying which
5 document was sent to which bureau or section.

6 Q That is with respect to all those documents
7 prior to December 1, 1942, isn't that correct?

8 A Yes, with respect to all twenty documents.

9 Q That is even including those after December
10 1, 1942?

11 A Unfortunately, I cannot state here where a
12 particular document was sent.

13 Q Do I understand, Mr. SUZUKI, that all
14 these documents after you made translations and
15 copies of them were addressed to the Prisoner-of-
16 War Information Bureau?

17 A Before replying I should like to explain
18 that in my affidavit I state that when a protest
19 was received by the Japanese Government -- by the
20 Foreign Office -- I would like to explain how these
21 notes were handled -- the procedure in which these
22 notes were handled before they were sent to various
23 other sections concerned.

24 Q All right, before we get into that, Mr.
25 SUZUKI, is it not a fact that you, of your own

SUZUKI

CROSS

1 knowledge, do not know how they were handled prior
2 to December 1, 1942?

3 A - Yes.

4 Q Now, let us take from December 1 on. You
5 received in your office one of these protests, right?

6 A (No reply).

7 Q Did you say yes?

8 A Yes.

9 Q Then after receiving the protests you made
10 translations and copies, is that right?

11 A Yes.

12 Q It was part of your duties to send these
13 protests somewhere, is that correct?

14 A Yes.

15 Q Is it a fact that on each one of these,
16 from exhibit 1477 through 1487, that they were
17 addressed to the Prisoner-of-War Information Bureau?

18 A I do not think all were addressed to the
19 Chief of the Prisoner-of-War Information Bureau.

20 Q Who determined then to whom they should be
21 addressed?

22 A Generally I did.

23 Q On what did you base that determination?

24 A Generally, on the basis of the contents and
25 the nature and importance of the protest.

SUZUKI

CROSS

1 Q Well, let us take the first one after you
2 assumed office. 1477 is the prosecution's exhibit
3 number, document 10-K dated December 12, 1942.

4 THE PRESIDENT: Did you base it on the prac-
5 tice before your time?

6 WITNESS: Yes, that is a fact.

7 (Paper handed to witness.)

8 Q Will you tell us, Mr. SUZUKI, to whom you
9 addressed that document?

10 A This document I think was sent by the United
11 States Government to the United States Minister in
12 Switzerland, and was transmitted to the foreign office
13 in Tokyo by the Swiss Minister. I regret very much
14 that I do not have the document here.

15 BY THE PRESIDENT:

16 Q How did you familiarize yourself with the
17 previous practice?

18 A It is because when this office was established
19 I had in this office as my colleagues and collaborators
20 those who were familiar with the procedure before
21 within the foreign office.

22 Q Did you look up any documents yourself?

23 A What kind of documents are you referring to,
24 your Honor?

25 Q The documents which showed the previous

SUZUKI

CROSS

practice.

1 A Yes, I have seen such a document.

2 Q You may be able to answer these categorical
3 questions which have been drafted by a colleague--

4 MR. LOGAN: If the Tribunal please, may I
5 finish my ~~cross~~-examination first?

6 THE PRESIDENT: Not necessarily. The Bench
7 frequently asks questions during a cross-examination.
8 I am not departing from any practice.

9 Q Answer these questions, Witness, if you can.
10 In 1941 when copies of documents were forwarded to
11 another department, was a note kept in the foreign
12 office recording that fact?

13 A Yes, I think so.

14 Q Have you looked up the foreign office records
15 for 1941 about this matter?

16 A Yes. At that time.

17 Q Do these records state that copies of the
18 documents were forwarded to other departments?

19 A Yes, they do.

20 THE PRESIDENT: Well, now, we ask that such
21 records be produced so far as they relate to documents
22 10-B to 10-X.

23 MR. LOPEZ: If the Tribunal please, we will
24 make the necessary effort to have them produced here.
25

SUZUKI

CROSS

1 THE PRESIDENT: Now, Mr. Logan, you may ask
2 any questions that are relevant.

3 CROSS-EXAMINATION (Continued)

4 BY MR. LOGAN:

5 Q Do you have such documents available, Mr.
6 SUZUKI?

7 A I think that could be done. However, I cannot
8 say so positively unless it has been confirmed once.

9 Q Now, let us take this document exhibit 1477,
10 prosecution's document 10-K, dated December 12, 1942.
11 To whom was that document addressed when you sent it
12 from your office?

13 A As I said before, I regret very much to say
14 that I cannot say accurately at this time from memory
15 as to where this particular document was sent, and I
16 cannot positively say whether this was sent to the
17 chief of the Prisoner of War Information Bureau. It
18 may have been, but I cannot say positively.

19 Q In other words, as I understand your affi-
20 davit and your testimony here, Mr. SUZUKI, you cannot
21 say definitely which of these documents, 1477 and
22 1487, were sent to which bureau of these bureaus
23 mentioned, or any of them, is that correct?

24 A Generally speaking I think it could be said
25 that these documents were sent to the chief of the

SUZUKI

CROSS

1 Prisoners of War Information Bureau. I can recall
2 definitely that document 10-N was sent to some other
3 section. As to the others it may have been to the
4 Vice-Minister of War, or the chief of the Prisoners
5 of War Information Bureau.

6 Q Now, on what did you base your determination to
7 which of these bureaus these notes should be sent?

8 A As I said before, they were based on the
9 importance as well as the nature of the contents of
10 these protests. Perhaps I might make this clear if
11 I should add the following explanation as to questions
12 of procedure: Generally with respect to the treatment
13 of prisoners of war, documents related to the matter
14 were sent to the chief of the Prisoners of War Informa-
15 tion Bureau, and a copy thereof to the chief of the
16 Military Affairs Bureau, War Office, and, generally
17 speaking, it was a matter of custom to send any docu-
18 ment relative to general policy or aims to the chief
19 of the Military Affairs Bureau of the War Office.
20 This may go a little bit into detail, but in order to
21 speed up the routine business, it was requested from
22 the War Office that the documents be sent to the
23 chiefs of the bureaus and sections and not to higher
24 levels than that. And, therefore, important documents
25 were sent to the chief of the Prisoners of War

SUZUKI

CROSS

1 Information Bureau and the chief of the Military
2 Affairs Bureau except in the case of very important
3 documents.

4 Q In other words, Mr. SUZUKI, you took the
5 protest, or the copy that you made, and you actually
6 wrote on that copy: "Prisoner of War Information
7 Bureau," is that correct?

8 A The translations and copies were made and
9 were attached to a covering note and sent.

10 Q To whom was that covering note addressed?

11 A Yes. This covering note was attached to
12 what I have just referred to as the chief of the
13 Prisoner of War Information Bureau, and/or the chief
14 of the Military Affairs Bureau.

15 Q Was there an address on this covering note
16 to each of these bureaus, or did the one address
17 appear on both of them?

18 A They were addressed separately.

19 Q What type of notes did you attach to these
20 documents?

21 THE PRESIDENT: If that extends to contents,
22 the notes should be produced.

23 MR. LOGAN: It does, your Honor.

24 THE PRESIDENT: Well, we will expect the notes
25 themselves to be produced if available.

SUZUKI

CROSS

1 Q Could you tell us generally what comments
2 you made in these notes or what recommendations?

3 A With respect to that point I cannot recall
4 each case, but I think that recommendations and com-
5 ments were made with a view to improving the treatment
6 of prisoners of war.

7 Q With respect to all of these documents, 1477,
8 after December 1st--1487, I understand your testimony
9 that you cannot tell us definitely whether all, or
10 which of these were sent first to the Minister of
11 War, second the Vice Minister of War, third the
12 Military Affairs Bureau, and fourth the Prisoner of
13 War Information Bureau. Is that understanding correct?

14 THE PRESIDENT: The absence of the notes
15 does not restrict your rights of cross-examination.
16 Nevertheless, Mr. Logan, cross-examination may be
17 more effective after we have seen the notes, and you
18 might postpone it until then.

19 MR. LOGAN: We concur, your Honor.

20 THE PRESIDENT: The witness can stand down
21 for the time being. He will be recalled for further
22 cross-examination. The witness will understand that
23 he must come back for further cross-examination when
24 notified. He is at liberty to leave the court.

25 (Whereupon, the witness was excused.)

THE PRESIDENT: Mr. Lopez.

1
2 Mr. LOPEZ: If the Tribunal please, we de-
3 cided to announce that IPS documents No. 2696, 2687
4 and 2687, copies of which have already been circulated
5 to the defense, will subsequently be introduced in
6 evidence by Mr. Justice Mansfield in view of the fact
7 that those documents involve class B offenses in gen-
8 eral, of which Mr. Justice Mansfield is in charge of
9 the proving in this court.

10 If your Honor please, earlier in this pro-
11 ceedings we offered to be marked only for the purpose
12 of identification document 2735 instead of offering
13 it in evidence, believing at the time that Rufina
14 Mercade, the little Filipino girl about whom British
15 War Correspondent, Mr. Keys, made reference in his
16 testimony, was on her way to Tokyo, together with
17 other Philippine witnesses who were to testify in this
18 court. Notwithstanding the fact that about a week ago
19 I received a cable from Legal Section, SCAP, Manila
20 Branch, that those witnesses had already left Manila,
21 up to the present time they have not yet arrived here.
22 We have decided to forego the presentation of those
23 witnesses, and we, therefore, offer in evidence IPS
24 document No. 2735, which is already marked exhibit
25 1420 for identification.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 2735 which was offered for identification only
4 on 11 December 1946 and given exhibit No. 1420 is
5 now admitted according to the order of the Court.

6 (Whereupon, prosecution's exhibit No.
7 1420 was received in evidence.)

8 THE PRESIDENT: Can you offer any explanation
9 for the failure of these proposed witnesses to arrive
10 in Tokyo?

11 MR. LOPEZ: It must either be due to the fact,
12 your Honor, that they did not have any winter clothing,
13 as most Filipinos merely wear summer clothes through-
14 out the year, or it may be due to the typhoon, bad
15 weather conditions prevailing.

16 THE PRESIDENT: You should be able to tell us
17 why they are not here, and we should ask you to tell
18 us, too.

19 MR. LOPEZ: Since then, your Honor, we have
20 not received any word from Manila, notwithstanding the
21 fact that we have been wiring them.

22 THE PRESIDENT: Proceed with your affidavit.

23 MR. LOPEZ: We read from that document the
24 following: Page 1, the first question, through to
25 the end of the second paragraph of page 2:

1 "Q (By Major Kerr) Will you state your name,
2 please?

3 "A Henry Keys; K-e-y-s.

4 "Q Your age?

5 "A 35.

6 "Q What is your home address?

7 "A I haven't got a home address, but my military
8 address at present is care of AFWESPAC, Public Rela-
9 tions, APO 707.

10 "Q What is your occupation, Mr. Keys?

11 "A Correspondent.

12 "Q For what newspaper or newspapers?

13 "A London Daily Express.

14 "Q How long have you followed that occupation?

15 "A I have been about 15 years a correspondent,
16 the last four years a war correspondent.

17 "Q Did you come into Manila with the American
18 troops in February, 1945?

19 "A Yes.

20 "Q Did you enter the Intramuros area with those
21 troops?

22 "A Yes. On February 23rd in the afternoon when
23 they put up a foot bridge I walked over it.

24 "Q Please describe to the Commission what you
25 observed within the Intramuros area at the time you

entered it.

1 "A Crossing the foot bridge to the steps of
2 the mint I saw hundreds of refugees from Intramuros.
3 They were ragged. Some of them were very shell-shocked.
4 Many of them bore various wounds. Some, I don't doubt,
5 were from shells. There were many others, however,
6 who had masks over their faces, and they bore what
7 I could recognize as bayonet wounds and some were
8 saber cuts. Others were very emaciated, starved, skin
9 just hanging to their arms. There weren't enough
10 litters to go around.
11

12 "I met a Lieutenant who said 'Come along to the
13 St. Augustine Convent if you really want to see some-
14 thing.' So I followed him and some Chinese litter
15 bearers upon a narrow street which was heavily mined.
16 The Lieutenant stepped backward and forward care-
17 fully and we stepped through the mines and then I
18 went into the courtyard of the St. Augustine Convent.
19 There was a statue -- I forget what statue it was, but
20 there was a statue that had been battered and around
21 it built up on chairs and other pieces of furniture
22 were some crazy shelters made roughly of corrugated
23 iron. They were about waist-high. I knelt down and I
24 looked inside and the first thing I saw was a dead
25 girl. One of her feet was crushed to pulp and her

1 mouth was broken and a lot of blood had come from it.

2 "From there I went over behind the statue into
3 the column veranda of the convent, and on my right I
4 saw a body of a little boy in a kneeling, crouching
5 position with a bullet hold through the base of the
6 skull. It was quite definitely a bullet hole. Then
7 I looked to the left and it took me some time to real-
8 ize what it was, but it was a pile of bodies just
9 thrown carelessly together, more or less, I suppose,
10 to get them out of the way and in one place. And they
11 were covered with a fine gray ash and a lot of dust."

12 Page 3, the 3rd paragraph through the remain-
13 der of the page:

14 "You see, there weren't enough medics or anybody
15 around with any experience to do anything for these
16 people, - - - other than to give them what a little
17 relief was possible with virtually nothing.

18 "Q Excuse me. Was that an American Lieutenant?

19 "A Yes. They were all Americans.

20 "Then a little bit to the right of her there was
21 another doorway and I went inside there. It seemed
22 like a room which might have been a meeting room or
23 a living room. It was in a pretty bad shape. And
24 just to the left of that there seemed to be a kitchen,
25 but in this living room section was a beautiful

1 Filipino girl lying on her back and a soldier called
2 me over and he said 'Look at this!' He said 'She
3 told us that a Jap hacked her feet off', and he lifted
4 a blanket that was lying over her feet. Her feet had
5 been cut off and the stumps tied with what I took to
6 be handkerchiefs.

7 "I didn't feel very good at that and I didn't
8 look very long. And lying almost feet to feet with,
9 her was a Japanese soldier. He was the only decent,
10 whole piece of humanity in the place; the only clean
11 piece of humanity. He was dressed in a white singlet
12 on the shirt and some pants. He was lying there like
13 an animal and I was told that he had been there some
14 weeks, having been brought in when he was ill and cared
15 for by the nuns."
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Page 4, the last two questions and answers:

"Q I believe you stated that many of the bodies which you saw bore bayonet wounds; is that correct?

"A That is correct.

"Q And were these bodies which you referred to those of civilians?

"A They were all civilians. And I might mention that I only saw one man in this particular convent courtyard. There may have been others, but I didn't expect to see others. I was surprised to see him."

Page 4, paragraph 3:

"Well, that was practically all that I recall vividly of the St. Augustine Convent except that when I went out to the gate I saw some Chinese litter bearers and I asked them to go into the convent and get this girl with her feet cut off. They did. And they passed me at the gate, and as they carried her out head first on the litter, shoulder high, she lifted her left hand with a 'V' sign -- a very effective sight!"

With this, if the Tribunal please, we close the Philippine case.

THE PRESIDENT: Mr. Higgins.

1 MR. HIGGINS: Mr. President and Members of
2 the Tribunal:

3 Mr. Justice Mansfield, associate prosecutor
4 from the Commonwealth of Australia, will now present
5 that phase of the prosecution's case which deals with
6 Class B offenses.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: If the Tribunal please, before
9 Mr. Justice Mansfield reads his opening statement, the
10 defense wants to object to the first section of it,
11 which is merely a summation of what has been introduced
12 in evidence by the Philippine prosecutor; that it
13 contains conclusions and arguments and, in addition,
14 sets forth who is responsible for certain acts contained
15 in the statement. We also claim it is unfair in that
16 it brings to the Tribunal's attention a comparison
17 between American prisoners of war of the Japanese and
18 prisoners of war of Germany and Italy, where it is well
19 known conditions are entirely different and the length
20 of time that the prisoners of war were in the hands
21 of the enemy in both of those instances.

22 THE PRESIDENT: Mr. Levin.

23 MR. LEVIN: Mr. President, I wish to object
24 specially on behalf of the defendant SUZUKI, Teichi,
25 with reference to the statement made in the last portion

1 of the second paragraph on page 10. The same is a
2 conclusion and argumentative; and while I cannot ask
3 that it be stricken, I ask that it be disregarded by
4 the Tribunal.
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1 THE PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: If your Honor please,
3 before Mr. Justice Mansfield presented his two
4 witnesses in this phase of the case out of order,
5 an objection was made in general to the receipt
6 of evidence in the atrocity phase for several
7 reasons. I should like to renew those objections
8 now, with the additional objection that no evi-
9 dence be received in this phase of the case con-
10 cerning matters which were investigated and prose-
11 cuted by the War Crimes Commission of the United
12 Nations through their Far Eastern Committee in
13 Australia.

14 I presume your Honor has in mind the
15 objections which I proposed on geographical
16 location, on the matter concerning conspiracy,
17 concerning atrocities, on the matter of prior
18 conviction for offenses charged under the counts
19 53, 54 and 55. And the last one, that the defend-
20 ant OSHIMA was in the European theater at the time
21 all of the acts complained of in these counts
22 were committed.

23 THE PRESIDENT: Some of those objections
24 have been dealt with and the Court adheres to its
25 decision on them. Other objections will be dealt

1 with after we hear Mr. Justice Mansfield's
2 opening. So far we know nothing about it.

3 Mr. Justice Mansfield.

4 MR. JUSTICE MANSFIELD: If the Tribunal
5 please: This phase of the prosecution case
6 covers offences under Article 5(b) of the Charter,
7 that is violations of the laws and customs of
8 war, and comprises evidence of atrocities against
9 prisoners of war, civilian internees and inhabit-
10 ants of occupied territories, and evidence showing
11 the responsibility for such atrocities of the
12 defendants named in Counts 53, 54 and 55 of the
13 Indictment.

14 Evidence of atrocities in China and the
15 Philippine Islands has already been presented.
16 That which will now be presented will relate to
17 other areas.

18 The phase has been divided into five
19 parts, namely:

- 20 I. Evidence of Japanese assurances in
21 relation to International Conventions.
22 II. Evidence of the commission of
23 atrocities by Japanese forces.
24 III. Evidence of protests made to the
25 Japanese government and of the replies

thereto.

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2 IV. Official reports concerning the
3 treatment of prisoners of war made
4 by the Japanese government since
5 3 September 1945.

6 V. Evidence of the acts of said defend-
7 ants and of their subordinates which
8 demonstrate their responsibility
9 for the breaches of the laws of war.

10 THE PRESIDENT: This is a convenient
11 break, Mr. Justice Mansfield. We will recess for
12 fifteen minutes.

13 (Whereupon, at 1040, a recess
14 was taken until 1100, after which the
15 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Justice Mansfield.

4 MR. JUSTICE MANSFIELD: Continuing the
5 opening address.

6 I. Evidence of Japanese assurances in
7 relation to International Conventions.

8 Geneva Red Cross Convention of 27 July 1929.

9 Japan was a party to this Convention and duly
10 ratified it. Furthermore, in a letter of 29 January
11 1942 signed by TOGO, Shigenori, as Foreign Minister
12 on behalf of Japan and addressed to the Swiss Minister
13 in Tokyo, (prosecution document No. 1469-D), Japan
14 agreed strictly to observe the Geneva Convention of
15 27 July 1929 relative to the Red Cross as a signatory
16 of that Convention.

17 Geneva Prisoner of War Convention of 27 July
18 1929.

19 Japan signed but did not ratify this Conven-
20 tion. However, in the above-mentioned communication
21 of 29 January 1942 it was also stated that, although
22 not bound by the Convention relative to the treatment
23 of prisoners of war, Japan would apply mutatis mutandis
24 the provisions of that Convention to American prisoners
25 of war.

1 In a letter of 13 February, 1942, signed by
2 TOGO as Foreign Minister and addressed to the Swiss
3 Minister in Tokyo (prosecution document No. 1469-B),
4 it was stated that the Japanese Government would apply
5 for the duration of the war, under conditions of
6 reciprocity, the provisions of the Convention relative
7 to the treatment of prisoners of war of 27 July 1929,
8 to enemy civilian internees, in so far as they were
9 applicable, and provided that they were not made to work
10 without their consent. In a letter of 20 February
11 1942, signed by the Swiss Minister on behalf of the
12 Government of the United States of America and addressed
13 to TOGO, Shigenori (prosecution document No. 1469-C),
14 it was stated that the Government of the United States
15 of America had been informed that the Japanese Govern-
16 ment had agreed, as far as the treatment to be accorded
17 to British prisoners of war, to take into consideration
18 as to food and clothing the national and racial customs
19 of the prisoners. The Government of the United States
20 of America had requested the Swiss Government to bring
21 to the notice of the Japanese Government that it would
22 be bound by the same principle for prisoners of war as
23 for Japanese civil internees in conformity with Articles
24 11 and 12 of the Geneva Convention.

25 This letter was replied to by TOGO, Shigenori,

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1 it was stated that the Imperial Government had not
2 ratified the Convention relative to the treatment of
3 prisoners of war of 27 July 1929. It was, therefore,
4 not bound by the said Convention. However, it would
5 apply mutatis mutandis the provisions of the said Con-
6 vention to English, Canadian, Australian and New Zealand
7 prisoners of war in its hands. As to the provisions
8 of food and clothing for prisoners of war, it would
9 consider on conditions of reciprocity the national and
10 racial customs of the prisoners.

11 Similar assurances were given by Japan as to
12 the treatment which would be accorded to Netherlands
13 prisoners of war and civilian internees.

14 The manner in which these assurances were
15 observed by the Japanese Government will be seen by
16 the evidence which will be produced.

17 II. Evidence of the Commission of Atrocities
18 by Japanese Forces.

19 It will be impossible in any reasonable length
20 of time to put before the Tribunal detailed evidence
21 of all the offenses committed by the Japanese against
22 the recognized laws and customs of war, and, therefore,
23 a method has been devised which will be relatively
24 short and which will not omit any important matter. In
25 order to present the evidence in a manner which may be

1 easily followed, it has been classified by areas,
2 and in each area it will be shown that the mistreatment
3 of prisoners of war, civilian internees and native
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1 inhabitants was similar. This similarity of treatment
2 throughout the territories occupied by the Japanese
3 forces will, it is submitted, lead to the conclusion
4 that such mistreatment was the result not of the
5 independent acts of the individual Japanese Commanders
6 and soldiers, but of the general policy of the
7 Japanese forces and of the Japanese Government.

8 The areas into which the subject has been
9 divided are as follows:

10 1. Singapore and Malaya; 2. Burma and Thailand;
11 3. Hong Kong; 4. Formosa; 5. Hainan; 6. Andamans and
12 Nicobars; 7. Java; 8. Borneo; 9. Sumatra and Banka
13 Island; 10. Celebes; 11. Ambon; 12. Timor; 13. New
14 Guinea; 14. New Britain; 15. Solomons, Gilberts, Nauru
15 and Ocean Islands; 16. Other Pacific Islands; 17. Indo
16 China; 18. China other than Hong Kong; 19. Sea trans-
17 portation; 20. Japan; 21. atrocities at sea.

18 The evidence will show that in every area the
19 laws of war, in so far as they relate to prisoners of
20 war, civilian internees and native inhabitants of
21 occupied countries, were entirely disregarded by the
22 Japanese forces. This was in accordance with the
23 policy which was declared on many occasions by the
24 Japanese that the Japanese Government would treat
25 prisoners of war according to their own code of "Bushido"

1 and only apply such portions of the Geneva Convention
2 as suited it to apply, and that prisoners of war had
3 no rights whatever.

4 It will be shown that not only did the
5 Japanese fail to carry out their assurance that in
6 the matter of food and clothing they would take into
7 consideration the national and racial customs of the
8 prisoners, but also that they disregarded the elementary
9 considerations of humanity.

10 It will be shown that prior to and at the
11 time of the British capitulation at Singapore, in 1942,
12 many massacres and murders in breach of the laws of
13 war took place. Medical personnel and patients in
14 hospitals were killed in cold blood; wounded men who
15 had surrendered were executed; and unarmed prisoners
16 of war were mercilessly shot, bayoneted or decapitated.
17 It cannot be contended that the Japanese forces respon-
18 sible for these outrages were out of the control of
19 their superior officers. Many of the atrocities were
20 committed either at the direction or with the knowledge
21 of the commanding officers.

22 The chronicle of murder and mistreatment in
23 every area will indicate the pattern of warfare used
24 by the Japanese Government and Army and will describe
25 inter alia the massacre of 5,000 Chinese and the brutal

1 ill-treatment of Europeans in Singapore; the
2 indiscriminate killing of the native inhabitants of
3 the occupied areas; the loss of the lives of 16,000
4 Allied prisoners of war, the deaths of over 100,000
5 coolies and the brutal ill-treatment of almost every
6 man during the construction of the Burma-Siam Railway;
7 the infamous death marches at Bataan and in Borneo;
8 the massacre of Australian nurses and other civilians
9 at Banka Island; the Palawan massacre; the massacre
10 at Tol Plantation in New Guinea; the massacre of 200
11 prisoners of war at Laha; the massacre of Europeans
12 and natives at Long Nawa, Bandjermassin, Pontianak and
13 Tarakan; the murders at Wake Island; the killing of
14 survivors from ships which had been sunk; and the wide-
15 spread extermination of prisoners of war and civilians.

16 Food rations for prisoners of war everywhere
17 were quite inadequate to sustain the strength of any
18 man, especially those who were engaged on manual labor.
19 Diseases of all kinds resulting from malnutrition and
20 neglect were the cause of much unnecessary suffering
21 and many deaths. When prisoners became sick, the
22 already inadequate rations were reduced unless, in
23 spite of illness, they went to work.

24 Hospital accommodation was in most cases non-
25 existent and everywhere there was a lack of medical
supplies and drugs for the treatment of the various

1 diseases. That these latter were available will be
2 shown by the amount of medical stores discovered in
3 the possession of the Japanese after the Japanese
4 capitulation. Sick men were forced to work and when
5 they were unable to carry on and collapsed they were
6 beaten. Hours of work were excessive and conditions
7 of work were in almost every case extremely arduous.

8 Clothing and footwear were not supplied and
9 men were forced to work bare-footed and clothed in
10 lap-laps. This again contributed to the toll of
11 illness and death.

12 Torture, mass punishments and beatings were
13 widespread. Severe punishments were inflicted for
14 trifling offenses and even for no offense, and to attempt
15 to escape was to incur execution. Men on working
16 parties were beaten if they showed the slightest slack-
17 ness, and, in fact, they were beaten lest they should
18 show slackness.

19 In most of the areas there will be evidence
20 of the plans to kill all prisoners of war in the event
21 of there being a landing by allied troops in Japan or
22 any attempt made to recapture them. In some of the
23 areas these plans were in fact put into execution.
24 Even in the absence of any direct order, from the fact
25 that similar plans had been prepared in many areas it

1 may be deduced that such plans were part of the policy
2 of those in control of prisoners of war.

3 These are some of the matters which will be
4 proved by the evidence to be produced and for which
5 the prosecution submits the accused named in Counts
6 53, 54, and 55 of the Indictment are responsible.

7 III. Evidence of Protests made to the
8 Japanese Government and of the Replies thereto.

9 The Swiss Minister in Tokyo on behalf of Great
10 Britain and the United States and the Swedish Minister
11 on behalf of the Netherlands made frequent protests
12 in writing to the Japanese Foreign Minister through-
13 out the period of hostilities, and these protests brought
14 to the knowledge of the Japanese Government most of
15 the cases of mistreatment of prisoners of war and
16 civilian internees and other breaches of the laws of
17 war which have been referred to above. There were,
18 however, other cases which were unknown to the Allied
19 Governments until after the Japanese capitulation, and
20 which, therefore, were not contained in any protest.
21 It was in many cases only by a miracle that any infor-
22 mation was available as the Japanese endeavored to
23 eliminate the possibility of detection by attempting
24 to destroy all evidence. One of the most important
25 features of this part of the case is the fact that,

1 with a few exceptions, visits by the representatives
2 of the protecting powers and the International Red
3 Cross to prison camps were systematically refused. In
4 the few exceptional cases when visits to camps were
5 permitted the conditions therein were very much better
6 than in other camps, and in some cases the camps were
7 specially dressed up for the occasion. Furthermore,
8 the prisoners were forbidden under threats of punish-
9 ment to say anything to the visitors except what had
10 been previously approved by the camp commandant. Many
11 requests were made to visit camps in Thailand; these
12 were consistently denied. It may be deduced from the
13 fact that visits were not allowed in most of the areas
14 that the Japanese Government realized that the reports
15 of any person who saw the camp would be most unfavorable.

16 Protests complaining of murders, starvation
17 and ill-treatment were for the most part either not
18 answered at all or not replied to for a long period.
19 When any reply was made it was evasive, contained
20 allegations that the protest was based on incorrect
21 information or consisted of a simple denial. At no
22 time before the capitulation was there any acknowledg-
23 ment that bad conditions existed.

24 In view of the overwhelming evidence of wide-
25 spread atrocities and breaches of the laws of war which

1 will be presented, it is apparent that the Japanese
2 Government, the members of which were charged with
3 the responsibility of seeing that their forces complied
4 with the rules of war, either knew of many of the
5 breaches and neglected to take any steps to prevent
6 them, or failed to institute any proper inquiry to
7 ascertain whether the allegations contained in the
8 protests were founded on fact. In either case, it is
9 submitted, the responsibility is the same.

10 Numerous applications were made for lists of
11 prisoners of war and for the names of those who had
12 died. No complete list was ever provided by the
13 Japanese and it was not until the end of 1945 that the
14 names of many of those who had perished in Thailand,
15 Borneo and other areas were made known for the first
16 time.

17 It will not be practicable to put before the
18 Tribunal all the protests that were made as they are
19 so numerous, but from those which have been selected
20 it will immediately become apparent that the representa-
21 tives of the protecting powers made every effort to
22 carry out their tasks, but that they were frustrated
23 at almost every turn by the policy of silence and
24 procrastination which was adopted by the Japanese
25 Government and other officials.

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1 One fact which will assist the Tribunal in
2 determining the innocence or guilt of the accused lies
3 in a comparison between the number of persons who died
4 in captivity in Germany and Italy and the numbers who
5 were killed or died in captivity in Japan. In Germany
6 and Italy 142,319 British prisoners of war were
7 reported captured and of these 7,310 or 5.1 per cent
8 were killed or died in captivity. 50,016 British
9 prisoners of war were in the power of the Japanese and
10 of these 12,433 or 24.8 per cent were killed or died
11 in captivity.

1 IV. Official Reports concerning the
2 treatment of Prisoners of War made by the Japanese
3 Government since 3 September 1945.

4 After the Japanese capitulation a body
5 called the Central Committee of Investigation of
6 Matters concerning Prisoners of War was set up by the
7 Japanese Government to investigate and report upon
8 the allegations of mistreatment of prisoners of war
9 contained in some of the numerous protests which had
10 been received during the war. Two of these reports
11 have already been put before the Tribunal. The
12 majority of the others refer to protests and state
13 that the subject matter is being investigated and
14 that further reports will be made at a later date.
15 Although most of the original reports were made over
16 12 months ago, no supplementary reports have since
17 been received.

18 From the fact that investigations were
19 being pursued for the first time after the conclusion
20 of hostilities it can be inferred that the Japanese
21 Government and the accused took no steps at the time
22 the protests were received to carry out any form of
23 enquiry.
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25 Some of these reports contain matters
of considerable importance. Among these the most

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2 treatment of Prisoners of War made by the Japanese
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23 enquiry.

24 Some of these reports contain matters
25 of considerable importance. Among these the most

1 striking, apart from the two already before the
2 Tribunal relating to the Burma-Thailand Railway and
3 the massacre of Chinese at Singapore, are those
4 relating to the treatment of Allied Air Force per-
5 sonnel in Japan. These contain direct admissions
6 that Allied aviators who had bombed the territory
7 of Japan and were later captured were executed with-
8 out any form of trial.

9 As was the case in the two reports
10 tendered during the evidence of Colonel Wild, most
11 of the other reports admit certain of the matters
12 complained of in the protests, and seek to avoid any
13 blame or responsibility by alleging that they were
14 the result of the stress of circumstances. The
15 evidence of eye-witnesses and victims will be suffi-
16 cient to rebutt the claim that the matters complained
17 of were inevitable and that they were not the result of
18 the intentional and deliberate actions of the Japanese.

19 V. Evidence of the Acts of the De-
20 fendants and of their Subordinates which demonstrate
21 their Responsibility for the Breaches of the Laws of
22 War.
23

24 Under the Hague Convention No. 4,
25 Prisoners of War are in the power of the hostile
Government, and not of the individuals or corps who

1 capture them.

2 Apart from the responsibility which
3 attaches to the various accused by virtue of the
4 respective offices held by them, proof will be offered
5 to the Tribunal that they are directly responsible
6 for acts performed by them and their immediate subordi-
7 nates contrary to the recognized rules of warfare.

8 With respect to TOJO, Hideki, there
9 is at the outset an admission by him contained in his
10 interrogation that he was personally responsible for
11 the mistreatment of prisoners of war and civilians.
12 In addition there will be proof of an announcement
13 made by him that Japan would not observe the pro-
14 visions of the Geneva Prisoner of War Convention of
15 1929. He personally gave instructions to the heads
16 of the Prisoner of War Camps which violated the
17 rules of war. As War Minister he had complete con-
18 trol of the activities of the various departments
19 of the War Office such as Military Affairs Bureau,
20 the Prisoner of War Information Bureau and the
21 Prisoner of War Management Bureau. TOJO was also
22 responsible for the policy adopted by the Japanese
23 Government towards prisoners of war and civilian
24 internees.

25 KELURA was Vice Minister of War from

1 1941 to 1944 and had control of the operations of
2 the Ministry subject only to the direction of TOJO.
3 KIMURA was responsible for the design of the Prisoner
4 of War Punishment Act, the provisions of which were
5 in direct contravention of the laws of war and the
6 provisions of the Geneva Prisoner of War Conventions
7 of 1929, and also for the law which prescribed the
8 death penalty for captured members of the Allied Air
9 Forces, under which members of that were executed
10 without trial of any kind. KIMURA was also directly
11 responsible for the public exhibition of prisoners
12 of war in Korea and for sending of prisoners to work
13 in munition factories in Manchuria and their use for
14 "work having connection with the operations of war"
15 in practically all areas.

16 MUTO and SATO in succession were
17 chiefs of the Military Affairs Bureau which con-
18 trolled the Prisoner of War Management Bureau and
19 the Prisoner of War Information Bureau. These two
20 bureaux administered all affairs relating to
21 prisoners of war, subject to the approval of the
22 Military Affairs Bureau.

23 Complaints of mistreatment of prison-
24 ers of war and civilian internees were forwarded by
25 the Swiss Legation, as Protecting Power, to the

1 Japanese Foreign Ministry, which in turn trans-
2 mitted the complaints to the War Ministry, where in
3 the usual course of procedure they passed from the
4 Secretariat of the War Ministry through the Office
5 of the Vice Minister of War to the Chief of the
6 Military Affairs Bureau and then in turn to the
7 Prisoner of War Information Bureau or the Prisoner
8 of War Management Bureau, the office of the Chief
9 of the last named bureau being held concurrently
10 by the same person. The Chief of the two last
11 named bureaux formulated a reply when considered
12 advisable, after consultation with the Chief of
13 the Military Affairs Bureau, after which the pro-
14 posed reply was forwarded by the Vice Minister of
15 War to the Foreign Ministry, and practically with-
16 out exception, the reply prepared in the Prisoner
17 of War Information Bureau or the Prisoner of War
18 Management Bureau was the reply made by the Foreign
19 Minister to the Swiss Legation.

20 The same course was followed in the
21 denials of the privilege of visiting prisoner of
22 war camps when such applications were made either
23 by the Swiss Legation as Protecting Power, or by the
24 representatives of the International Red Cross. Of
25 those indicted, the following occupied the position

1 of Foreign Minister for Japan between the years 1941
2 and 1945, inclusive: TOGO, Shigenori; TOJO, Hideki;
3 and SHIGEMITSU, Mamoru.

4 Under the regulations for the employ-
5 ment of prisoners of war by private industry, most
6 of which industries were engaged in "work having
7 connection with the operations of war," applications
8 to have such prisoners assigned went from the Pre-
9 fectural Governor to the Home Ministry and thence
10 to the War Ministry for approval, following the
11 same course within the War Ministry as complaints
12 in regard to the treatment of prisoners of war. The
13 only person indicted who occupied the position of
14 Home Minister during the war period was TOJO, Hideki,
15 which position he occupied concurrently while Premier.
16 TOJO also for a short time was concurrently Prime
17 Minister and Foreign Minister during the war period.

18 Copies of complaints lodged by the
19 Swiss Legation as Protecting Power in behalf of the
20 United States, Great Britain, Australia, Canada, and
21 New Zealand, were transmitted by the Foreign Ministry
22 not only to the War Ministry, but also copies were
23 sent, as a usual thing, to the Navy Ministry and to
24 the Home Ministry. So, again, it appears that the
25 responsibility for such treatment lies with the

1 defendants SHIMADA, who was Navy Minister under
2 TOJO, and later Chief of the Naval General Staff;
3 with OKA, who was Chief of the General and Military
4 Affairs Bureau of the Navy from October, 1940, to
5 August, 1944, and NAGANO, who was Chief of the
6 Naval General Staff from April, 1941, to February,
7 1944; and SUZUKI, Teiichi, who was Minister without
8 Portfolio as well as President of the Planning Board.
9 As such, he was a member of TOJO's Cabinet and is
10 charged with knowledge of the complaints in regard
11 to the maltreatment of prisoners of war and viola-
12 tions of treaties in connection therewith.

13 During the time that TOJO was Premier,
14 he was concurrently Minister of War, but was seldom
15 in his office in the War Ministry. KIMURA, as Vice
16 Minister of War, made many of the decisions ordi-
17 narily made by the Minister. On August 30, 1944,
18 KIMURA was assigned as Commander-in-Chief of the
19 Japanese Armed Forces in the Burma area, and as
20 such was directly responsible for the mistreatment
21 of prisoners of war in that area occurring after
22 that date.

23 The decision to employ prisoner of
24 war labour on the Burma-Thailand Railroad was made
25 in 1942 by the Imperial General Staff, which included

1 the then Chief of Staff of the Army, SUGIYAMA
2 (deceased), the Chief of the Naval General Staff,
3 then the defendant NAGANO; the Navy Minister,
4 SHIMADA, and War Minister TOJO, and the responsi-
5 bility for the violations of the treaties and
6 assurances in connection with such employment on
7 "work having connection with the operations of war"
8 and the ensuing maltreatment and resulting deaths
9 of such prisoners of war so engaged, must rest in
10 large part with those above named. For the em-
11 ployment of prisoners of war in Manchukuo on "work
12 having connection with the operations of war," in
13 violation of treaties and assurances, and the mis-
14 treatment of the prisoners in that region, the
15 responsibility must be placed in part upon the
16 defendant UMEZU, who was Commander of the Kwantung
17 Army and Ambassador to Manchukuo concurrently from
18 1939 to 1944.

19 The defendant ITAGAKI was Commander of
20 the 7th Area Army in Singapore from April, 1945, to
21 the end of the war, and upon him rests some re-
22 sponsibility for the breaches of the laws of war
23 in and about Singapore during the period he was in
24 command.

25 THE PRESIDENT: Mr. Levin.

1 MR. LEVIN: Mr/ President, may I ask
2 whether or not there will be a ruling on our objec-
3 tions to the opening by Mr. Justice Mansfield?

4 THE PRESIDENT: Mr. Justice Mansfield
5 foreshadows in his opening that every statement he
6 makes is to be the subject of evidence. When he
7 mentioned the losses under the German control I
8 thought he might be talking at random, but apparently
9 he is going to make that the subject of evidence.
10 He has employed a few adjectives -- no epithets --
11 and if he proves what he claims he is going to
12 prove those adjectives will be well warranted, that
13 is to say, if he establishes a breach of the rules
14 of warfare of the kind and on the scale which he
15 says his evidence will reveal.

16 MR. LEVIN: Mr. President, might I
17 add before you conclude with reference to the
18 specific objection that I made, that is to the
19 charge as to SUZUKI, Teiichi, that that portion of
20 the statement is also a conclusion of law.

21 THE PRESIDENT: We find nothing
22 exceptional or exceptionable in the opening state-
23 ment. It appears to comply with the rules relating
24 to opening statements. The objections are overruled.
25

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1 MR. JUSTICE MANSFIELD: The prosecution
2 now tenders in evidence the documents referred to
3 in the statement relating to assurances by the
4 Japanese Government.

5 The prosecution tenders in evidence
6 prosecution's document No. 1469-D.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1469-D will receive exhibit No. 1490.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1490 and received in evidence.)

13 MR. JUSTICE MANSFIELD: These letters have
14 been paraphrased in the opening statement. I do
15 not intend to read them unless the Tribunal desires
16 otherwise.

17 The prosecution tenders in evidence prose-
18 cution document No. 1469-B.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1469-B will receive exhibit No. 1491.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1491 and received in evidence.)

25 MR. JUSTICE MANSFIELD: The prosecution

1 tenders in evidence prosecution document No. 1469-C.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 1469-C will receive exhibit No. 1492.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1492 and received in evidence.

8 MR. JUSTICE LANGFELD: The prosecution
9 tenders in evidence document No. 1469-A.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's docu-
12 ment No. 1469-A will receive exhibit No. 1493.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1493 and received in evidence.)

16 MR. JUSTICE MANSFIELD: The prosecution
17 tenders in evidence prosecution's document No. 847-D.

18 THE PRESIDENT: Admitted on the usual terms.

19 Mr. Justice Mansfield, I understand one or
20 two of my colleagues would like you to specify what
21 these documents are as you tender them. You need
22 not read them.

23 MR. JUSTICE MANSFIELD: I will, yes.

24 Document 847-D, exhibit 1494 --

25 THE PRESIDENT: Go back to 1490.

Mr. Cunningham.

1 MR. CUNNINGHAM: If the Tribunal please,
2 I would like to inquire of the prosecution if they
3 propose to prove by these documents that Japan
4 adhered to the rules of land warfare; and, if so,
5 I object to them for the reason that the documents
6 are not in compliance with the provisions of the
7 rules of land warfare for adherence, and are, there-
8 fore, incompetent, irrelevant and immaterial.
9

10 THE PRESIDENT: To employ the expression
11 of another member of the Bench, the objection is
12 overruled as puerile.

13 MR. JUSTICE WANSFIELD: Exhibit 1490 is
14 the statement by the defendant TOGO that Japan would
15 strictly observe the Geneva Red Cross Convention and
16 would apply mutatis mutandis the provisions of the
17 Geneva Prisoner of War Convention of 1929.

18 Exhibit 1491 is the undertaking by the
19 Japanese Government to apply, under conditions of
20 reciprocity, the Prisoner of War Convention to enemy
21 civilian internees in so far as they were applicable
22 and provided they were not made to work without their
23 consent.

24 Exhibit 1492 is the inquiry by the Swiss
25 on behalf of the United States as to whether the

1 Japanese Government would give the same assurance
2 which had been given to the British Government that
3 they would take into consideration, as to food and
4 clothing, the national and racial customs of the
5 prisoners.

6 Exhibit 1493 is the statement by TOGO
7 as Foreign Minister that Japan intended to take into
8 consideration the national and racial customs of
9 American war prisoners and civilian internees with
10 regard to provisions and clothing.

11 Exhibit 1494 is the letter of the 3rd
12 of January, 1942, from the Argentine Minister in
13 Tokyo on behalf of Great Britain and the Dominions
14 undertaking to observe the terms of the International
15 Convention on the Treatment of Prisoners of War signed
16 at Geneva and asking if the Japanese Government would
17 make a similar declaration.

18 The prosecution tenders in evidence pros-
19 ecution document 847-E, which is a letter of the 5th
20 of January, 1942, from the Argentine Minister in
21 Tokyo to the defendant TOGO asking the Japanese --
22 informing the Japanese Government that it intended
23 to take into consideration the national and racial
24 customs of the prisoners with regard to food and
25 clothing.

1 THE PRESIDENT: Admitted on the usual terms
2 CLERK OF THE COURT: Prosecution's document
3 No. 847-E will receive exhibit No. 1495.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1495 and received in evidence.)

7 MR. JUSTICE MANSFIELD: The prosecution
8 tenders in evidence prosecution's document No. 1465-C,
9 a letter of the 29th of January, 1942, from the
10 Minister for Foreign Affairs, TOGO, to the Argentine
11 Minister undertaking to apply the Prisoner of War
12 Convention of 1929 mutatis mutandis to British,
13 Canadian, Australian and New Zealand prisoners of
14 war under Japanese control and undertaking to consider
15 the national and racial manners and customs under
16 reciprocal conditions when supplying clothing and
17 provisions to prisoners of war.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 1465-C will receive exhibit No. 1496.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1496 and received in evidence.)

24 MR. JUSTICE MANSFIELD: I call as a witness
25 Colin Fleming Brien.

BRIEN

DIRECT

1 COLIN FLEMING BRIEN, called as
2 a witness on behalf of the prosecution, being
3 first duly sworn testified as follows:

DIRECT EXAMINATION

BY MR. JUSTICE MANSFIELD:

Q What is your full name?

A My full name is Colin Fleming Brien.

Q You reside where?

A Sydney, Australia.

Q In February 1942, what was your occupation?

11 A I was a soldier in the Eighth Division,
12 A. I. F., and was serving in Malaya.

13 Q And were you wounded in February, 1942,
14 during the fighting?

A Yes.

Q Where were you wounded?

17 A During the fighting in the Kranji area,
18 Singapore Island, I was wounded by shrapnel in
19 various parts of the body.

20 Q Just describe what happened after you were
21 wounded.

22 A I was wounded on the 9th of February; and
23 on that day lost contact with my unit.

Q After that, what happened?

25 A From the ninth of February until twenty-sixth

BRIEN

DIRECT

1 of February I was wandering in a semi-conscious
2 weakened condition trying to reach Singapore City.

3 Q What happened on the 26th of February?

4 A On the 26th of February I was captured
5 by the Japanese forces and taken to a divisional
6 corps headquarters which was formerly a Roman
7 Catholic convent on the outskirts of Singapore.

8 Q Well, what happened there?

9 A I was interrogated by a Japanese officer
10 and during my period there I was stationed or
11 quartered in his headquarters, and whilst there I
12 noticed several senior Japanese officers entering
13 and leaving the building; and whilst there was also
14 given food and water, but at no time was my wounds
15 treated.

16 Q Did any of the Japanese see you?

17 A Yes, quite a few Japanese officers came
18 over, looked at me, and they included senior officers.

19 Q Were you the only prisoner there?

20 A I was.

21 Q Did you offer any resistance or violence
22 to the Japanese at any time?

23 A No.

24 Q Well, what happened on the 1st of March?

25 A At eight o'clock in the morning a Japanese

BRIEN

DIRECT

1 officer approached me and beckoned me to follow
2 him. In his right hand was a pistol and in his
3 left hand was a quantity of cord.

4 Q Yes.

5 A He told me then to go along a track leading
6 into the jungle; and he was accompanied by two or
7 three Japanese soldiers.

8 Q Yes.

9 A We came into a clearing in which there was
10 a platoon of Japanese soldiers drawn up in parade
11 order, a group of twelve to fifteen Japanese officers
12 and a grave about two feet six inches in depth.

13 Q Yes.

14 A There was also a Japanese sword sticking
15 in the earth close to the grave. A Japanese officer
16 then told me that I was going to meet my God. I was
17 then searched, and after being searched, I was told
18 to sit down with my knees, legs and feet projecting
19 into the grave. My hands were tied behind my back.
20 A small towel was tied over my eyes and then --

21 Q Go ahead.

22 A My shirt was unbuttoned and pulled back over
23 my back exposing the lower part of my neck. My head
24 was bent forward, and after a few seconds I felt a
25 heavy, dull blow sensation on the back of my neck.

BRIEN

DIRECT

Q Yes.

1 A I realized that I was still alive, but
2 pretended to be dead and fell over on my right side.
3 After that, I lost consciousness. When I came to,
4 I was at the bottom of the grave with wooden pilings
5 and earthen clods over the top of the grave. I had
6 a large wound on the back of my neck, and I was
7 covered in blood. My hands were still tied behind
8 my back. The towel had fallen from my eyes; and
9 after an hour, I decided to extricate myself. With
10 my toes and feet I managed to dislodge a pile of
11 clods from the edge -- opening of the grave, and
12 through the intervening space managed to crawl. I
13 then struggled into the lilang grass and lay there
14 all day. That night I managed to untie my hands.
15 After being in that vicinity for the next three days,
16 I left it, and struggled into Singapore City where
17 I gave myself up to the Malay Civil Police. On the
18 4th of March I was handed over to the Japanese forces
19 who further interrogated me; after which I was taken
20 to Changi Prisoner of War Hospital. There I remained
21 until June of the same year.

23 Q And after that, after June, did you remain
24 at Singapore?

25 A I remained in various Singapore prisoner of

BRIEN

DIRECT

war camps until I was released in September, 1945.

1 Q Were you at any time charged with having
2 committed any offense or given any form of trial?

3 A No. At no time was I charged with any
4 offense or charged or given a trial whatsoever.

5 Q Has the wound on the back of your neck
6 since been operated on?

7 A Yes. I have had a plastic operation per-
8 formed on it.

9 Q Would you now show to the Tribunal the
10 wound on the back of your neck, please?

11 (Whereupon, the witness removed his
12 coat.)
13

14 THE PRESIDENT: One of my colleagues
15 questions whether this kind of thing is necessary.
16 Personally, I think it is; but I will take the decision
17 of all my colleagues.

18 You may show your wound to the extent
19 that you intended.

20 MR. JUSTICE HANSFIELD: Turn around and
21 show your wound to the Tribunal.

22 (Whereupon, the witness complied with
23 the counsel's request.)

24 THE PRESIDENT: We will recess now until
25 half-past one.

(Whereupon, at 1200, a recess was taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

COLIN FLEMING BRIEN, called as
a witness on behalf of the prosecution, re-
sumed the stand and testified as follows:

THE PRESIDENT: Mr. Blewett.

MR. BLEWETT: If it please your Honor.

CROSS-EXAMINATION

BY MR. BLEWETT:

Q Mr. Brien, you were wounded on February 9.
Did you know or not of the surrender before February
26?

A Yes, a few days before that date I found out.

Q Did you meet or contact any Japanese troops
within the 9th and 26th?

A No.

Q What were the circumstances of your capture?

A I had been given some food by some natives
which I was eating sitting in a native hut at the time
of my capture.

Q By whom were you interrogated?

A A Japanese officer.

BRIEN

CROSS

1 Q What was his rank, if you know?

2 A Probably a captain.

3 Q Did he speak English?

4 A Yes.

5 Q Now, was there any mention made at any time
6 during your interrogation or ~~any~~ actions that might
7 lead the Japanese to think you were a spy?

8 A No.

9 Q Now, was there reason given to you by anyone,
10 that, as to the reason for, as you say, going to meet
11 your God?

12 A There was no reason given whatever.

13 Q Do you know what the significance of the
14 sword might have that you described?

15 A Yes, I immediately knew that I was going to
16 be the victim of an execution party.

17 Q There was no indication of any kind given to
18 you that the Japanese might consider you as a spy; is
19 that so?

20 A No, that is true.

21 Q What was the highest ranking officer, Mr.
22 Brien, that you saw while you were at the Corps Head-
23 quarters?

24 A I would not know the exact rank, but from the
25 important way in which they were treated by their

BRIEN

CROSS

1 subordinates, and their arriving and departing in
2 luxurious staff cars, gave me the impression that they
3 were officers of senior rank.

4 THE PRESIDENT: How were you dressed when
5 you were captured?

6 THE WITNESS: I never heard, I beg your
7 pardon.

8 THE PRESIDENT: How were you dressed when
9 you were captured?

10 THE WITNESS: I was dressed in a pair of
11 army tropical shorts and a shirt and a pair of Japanese
12 boots.

13 THE PRESIDENT: Were you wearing the Australian
14 Army shorts and tunic?

15 THE WITNESS: Yes.

16 Q Do you know, Mr. Brien, whether or not there
17 was a doctor in the Corps Headquarters at the time
18 you were there?

19 A If there was, I know not.

20 MR. BLEWETT: That is all. No more questions,
21 your Honor.

22 MR. SHIMANOCHI: I am defense counsel
23 SHIMANOCHI.

24 THE PRESIDENT: Mr. SHIMANOCHI.

25 CROSS-EXAMINATION (Continued)

BRIEN

CROSS
REDIRECT

1 BY MR. SHIMANOUCI:

2 Q What was the width and depth of the hole
3 in which you were supposed to have been -- you were
4 to be buried after your execution with a sword?

5 A The depth was about 2 feet, 6 inches, the
6 width about 3 feet and the length about 6 feet.

7 Q Was there much poles and other lumber and
8 dirt over your body?

9 A The earth and poles were not pressing on
10 my body but was covered over the top of the grave.
11 I could move through -- around in the bottom of the
12 grave.

13 MR. SHIMANOUCI: That is all, sir.

14 MR. JUSTICE MANSFIELD: One question in
15 re-examination. I will read it.

16 REDIRECT EXAMINATION

17 BY MR. JUSTICE MANSFIELD:

18 Q Had your captors endeavored to take you any-
19 where on the day before the attempted execution?

20 A The day before the incident they decided
21 to send me to Changi Prisoner of War Camp. I was put
22 on a truck with several of the Japanese guards and
23 was sent off, but after driving for about an hour the
24 driver lost his way and -- the driver having lost his
25 way, he drove the truck back to the headquarters from

BRIEN

REDIRECT

1 which we had departed from.

2 MR. JUSTICE MANSFIELD: That is all, if
3 the Tribunal please. I ask that this witness be
4 excused.

5 THE PRESIDENT: Does he want to go back to
6 his home? Does he want to go back to Australia?

7 MR. JUSTICE MANSFIELD: Not immediately.

8 THE PRESIDENT: He is at liberty on the usual
9 terms.

10 (Whereupon, the witness was excused.)
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1 MR. JUSTICE MANSFIELD: If the Tribunal
2 please, I now read prosecution document No. 5430,
3 which is a synopsis.

4 THE PRESIDENT: Mr. Logan.

5 MR. LOGAN: If the Tribunal please, we
6 renew our objections made in Chambers and before
7 the Tribunal with respect to the prosecution
8 presenting its evidence in an evidentiary document
9 under the heading of "Synopsis of Evidence." I
10 shall not review the objections we made on both
11 of those occasions but I would like to add that we
12 further object to it on the ground that there is
13 no provision in the Charter for this method of
14 presentation of evidence.

15 THE PRESIDENT: Objection is overruled.
16 The document is admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 5430 will receive exhibit No. 1497.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1497 and received in evidence.)

22 MR. JUSTICE MANSFIELD: (Reading)

23 "SYNOPSIS OF EVIDENCE

24 "SINGAPORE

25 "A. At the Time of Capitulation.

1 "1. (a) Prosecution document numbered
2 5129, the declaration of WONG SIN JOON, is now
3 offered for identification."

4 CLERK OF THE COURT: Prosecution's document
5 No. 5129 will receive exhibit No. 1498 for identifica-
6 tion only.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1498 for identification only.)

10 MR. JUSTICE MANSFIELD: "And the marked
11 excerpt is offered in evidence."

12 THE COURT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpt
14 bearing the same documentary number will receive
15 exhibit No. 1498-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1498-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: "This declaration
20 states that on 19 February 1942 the witness and
21 other members of the Chinese Volunteer Force, sur-
22 rendered themselves voluntarily in view of Japanese
23 assurances as to their safety. They were marched to
24 the Drill Hall and next day all seventy men were taken
25 in trucks to Changi where they were stripped of their

1 possessions and led to the beach.

2 "They were lined up in two rows of 35 men
3 each, facing bren guns, machine guns and tommy guns.
4 The Japanese opened fire and the witness fell down
5 into the sea. Minutes later when he raised his head,
6 the sea water had turned red and the bodies of his
7 companions were lying around him, riddled with bullets.
8 The witness and three other wounded men managed to
9 drag themselves away.

10 "(b) Prosecution document numbered 5374,
11 being the sworn affidavit of A. F. Ball, is offered
12 for identification."

13 CLERK OF THE COURT: Prosecution's document
14 No. 5374 will receive exhibit No. 1499 for identifica-
15 tion only.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1499 for identification only.)

19 MR. JUSTICE MANSFIELD: "And the marked
20 excerpt is offered in evidence."

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: And the marked excerpt
23 bearing the same number, to-wit, 5374, will receive
24 exhibit No. 1499-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1499-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: "Prosecution
4 document numbered 5051, being the sworn affidavit of
5 C. W. Perry, is offered for identification."

6 CLERK OF THE COURT: Prosecution's document
7 No. 5051 will receive exhibit No. 1500 for identifica-
8 tion only.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1500 for identification only.)

12 MR. JUSTICE MANSFIELD: "And the marked
13 excerpt is offered in evidence."

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The excerpt therefrom
16 bearing the same document No. 5051 will receive exhibit
17 No. 1500-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 1500-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: "Prosecution document
22 numbered 5047-B, being the sworn affidavit of Rev. G.
23 Polain, is offered for identification."

24 CLERK OF THE COURT: Prosecution's document
25 No. 5047-B will receive exhibit No. 1501 for

1 identification only.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 1501 for identification only.)

5 MR. JUSTICE MANSFIELD: "And the marked
6 excerpt is offered in evidence."

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: And the marked excerpt
9 therefrom bearing the same documentary number will
10 receive exhibit No. 1501-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 1501-A and received in evidence.)

14 MR. JUSTICE MANSFIELD: "These affidavits
15 state that:

16 "(i) Major Ball, on or about 22 February
17 1942, when ordered by the Japanese to bury a number
18 of bodies, found about 140 dead Chinese by the water's
19 edge. Some were boys and some old men and they had
20 been dead, on estimation, between one to four days.

21 "(ii) Pte. Perry, hearing machine gun fire
22 at Changi, went to see what was happening and was
23 ordered back by a Japanese guard. Later the witness
24 saw the dead bodies of some 40 Chinese and Malays on
25 the beach, and on examination, found they had been shot."

1 "(iii) The Rev. Polain in April 1942 saw
2 43 Chinese bodies lying dead. They had been shot.

3 "(c) Prosecution document 5047-B also
4 states that the witness Rev. Polain saw six Australians
5 lying dead near Bukit Timah. The men formed a section
6 of the witness's own battalion and had been shot some
7 time earlier. They were lying alongside an open grave,
8 their hands tied with rope and cloth, with bandaged
9 eyes.

10 "(d) Prosecution document numbered 5242,
11 being sworn affidavit of L. W. McCann, is offered for
12 identification."

13 CLERK OF THE COURT: Prosecution's document
14 No. 5242 will receive exhibit No. 1502 for identifica-
15 tion only.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1502 for identification only.)

19 MR. JUSTICE MANSFIELD: "And the marked
20 excerpt offered in evidence."

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: And the marked excerpt
23 therefrom bearing the same prosecution document number
24 will receive exhibit No. 1502-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's exhibit
2 No. 1502-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: "Prosecution document
4 numbered 5045 being the sworn affidavit of G. A. Croft
5 is offered for identification."

6 CLERK OF THE COURT: Prosecution's document
7 No. 5045 will be given exhibit No. 1503 for identifica-
8 tion only.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1503 for identification only.)

12 MR. JUSTICE MANSFIELD: "And the marked
13 excerpt offered in evidence."

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The marked excerpt
16 therefrom bearing the same prosecution document number
17 will receive exhibit No. 1503-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 1503-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: "These documents
22 refer to the execution of prisoners of war by the
23 Japanese, after their capture."

24 "(1) McCann states that after his capture,
25 on 18 February 1942, he and a number of Australians were

1 marched, with tied hands, down Reformatory Road until
2 they arrived at a creek. There they were formed into
3 a single file and seven Japanese soldiers lined up
4 about 30 feet away armed with British rifles. The
5 Australians were ordered to face the creek and McCann
6 heard the sound of the rifle bolts being worked and
7 was then struck by a bullet. He fell into the creek
8 with the other men. The Japanese then fired a number
9 of bullets into the bodies lying below. McCann,
10 having waited until the Japanese were gone was able to
11 crawl away.
12

13 "(ii) Corporal Croft states that on 23
14 January, 1942, he was a passenger in a Red Cross
15 truck, marked in the proper way, when the vehicle was
16 machine gunned. The passengers were marched about
17 three miles and put into native huts.

18 "Later, a 'Japanese guard came in and took
19 out three men with their hands tied together. We
20 thought they were being taken out for questioning; it
21 was not long before three shots rang out and left no
22 doubt as to what had happened. They kept coming in
23 and going out, taking three each time and then there
24 would be more shots.

25 "'I was in the last three to go. We were
taken to the front room and made to sit down and then

1 blindfolded. We were then led outside, still tied
2 together, and made to sit down not far from the house.
3 It was not long before something crashed into me and
4 I was knocked back. I was caught by the heel and
5 thrown into a drain. Later I slipped the blindfold
6 and had a look. I couldn't see anyone about and
7 so I crawled out of the drain I was wounded,
8 a bullet having entered the left side of my head about
9 the cheekbone and out on the right side at the back
10 of my neck. I was spitting blood and there was blood
11 everywhere natives I met would not have anything
12 to do with me. Then I discovered I could not speak.'

13 "(e) Prosecution document 5081, being the
14 affidavit of Lt. Col. C. P. Heath, D.S.O., formerly
15 Commanding 9 Coast Regt., R.A., is now offered for
16 identification."

17 CLERK OF THE COURT: Prosecution's document
18 No. 5081 will receive exhibit No. 1504 for identifica-
19 tion only.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1504 for identification only.)

23 MR. JUSTICE MANSFIELD: "And the marked
24 excerpt offered in evidence."

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: The marked excerpt
2 therefrom bearing the same document number will receive
3 exhibit No. 1504-A.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 1504-A and received in evidence.)

7 MR. JUSTICE MANSFIELD: "This affidavit states
8 that three men of the witness's regiment having escaped,
9 when apprehended were shot on 19 March 1942, in the
10 presence of the witness. Strong protest made by
11 General Percival to the Japanese in Changi was un-
12 availing.

13 "2. Prosecution document numbered 5044,
14 being the affidavit of L. W. Wright, is now offered
15 for identification."

16 CLERK OF THE COURT: Prosecution's document
17 No. 5044 will receive exhibit No. 1505 for identifica-
18 tion only.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1505 for identification only.)

22 MR. JUSTICE MANSFIELD: "And the marked
23 excerpt offered in evidence."

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: And the marked excerpt

1 therefrom bearing the same document number will
2 receive exhibit No. 1505-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 1505-A and received in evidence.)

6 Mr. JUSTICE MANSFIELD: "This affidavit
7 states that the witness about 25 January 1942 saw a
8 British ambulance convoy bombed from a low height in
9 Johore, by Japanese bombers. Visibility was excellent
10 and the attack was deliberate. Four or five of the
11 vehicles which contained wounded men were hit, and
12 three of them were left burning. The vehicles were
13 plainly marked with the Red Cross on the sides and
14 roof and there was no military target nearby. In the
15 Muar River fighting a party of prisoners was roped
16 together with about ten or twelve prisoners and was
17 marched for some days. One of the party had been ill
18 and could not walk. It was officially reported to him
19 by the survivors that he was taken off the string of
20 prisoners into the jungle and shortly after that a
21 couple of shots were heard. The Japanese guard returned
22 grinning and the march was resumed. The guard later
23 told the survivors that the sick man had been shot
24 because he could not keep up with them.

25 "3. (a) Prosecution document numbered

1 5052-B is offered for identification."

2 CLERK OF THE COURT: Prosecution's document
3 No. 5052-B will receive exhibit No. 1506 for identifi-
4 cation only.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1506 for identification only.)

8 MR. JUSTICE MANSFIELD: "And the marked
9 excerpt tendered in evidence."

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: The marked excerpt
12 therefrom bearing the same prosecution document number
13 will receive exhibit No. 1506-A.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 1506-A and received in evidence.)

17 MR. JUSTICE MANSFIELD: "It is the affidavit
18 of F. C. Stuart who in January 1942 was Senior Repre-
19 sentative of the Australian Red Cross Society attached
20 to the Alexandra Hospital, Singapore. This affidavit
21 states that on Saturday, February 14, 1942, the
22 hospital was stormed by Japanese troops, who raced
23 through the building bayoneting and shooting all who
24 came in their path, leaving behind them a path of
25 death and destruction. The medical staff was wearing

1 the Red Cross brassard, beds had Red Cross counterpanes
2 and the conventional markings were on the outside and
3 inside of the building. A huge Red Cross approximately
4 forty feet square was on the ground immediately in
5 front of the building. The witness saw two British
6 soldiers of the Manchester Regiment bayoneted. After
7 the raid he saw forty-six dead bodies which had been
8 bayoneted or shot; several had been wounded. At this
9 time an operation was in progress on a British soldier
10 and he was under an anaesthetic. Two doctors and two
11 medical orderlies were in attendance. A Japanese
12 thrust his bayonet through the body of the patient.
13 Other Japanese turned upon the medical staff and
14 killed one doctor and one orderly and wounded the other
15 two. Dozens of dead bodies were picked up in the
16 hospital grounds at nightfall. Towards evening the
17 Japanese mustered 183 patients and staff. Some of the
18 patients were without footwear, some were on crutches,
19 others with limbs in plaster. They were marched away
20 and only two of the men were ever seen again. These
21 men reported the terrible screams of their companions
22 who were evidently bayoneted on Sunday, February 15th.
23 One Japanese was seen wiping the blood off his bayonet.
24 Later on, inquiries were made as to the welfare of the
25 men, but the Japanese replied that they did not have

1 any prisoners of war. A few days later a Japanese
2 officer told the C.O. that our men had been buried
3 in shell holes with Japanese dead, about half a mile
4 to the rear of the hospital. The total killed was
5 323, of whom 230 were patients. The R.A.M.C. lost
6 forty-seven percent of the medical personnel and fifty-
7 five percent of the officers on the staff."

1 "Later a crowd of Japanese entered the hos-
2 pital and forcibly looted everything of value, such
3 as watches, fountain pens, rings, cigarette cases,
4 trinkets, money, etc. The witness was never recog-
5 nized as a representative of the Red Cross Society altho
6 application was repeatedly made.

7 "(b) Prosecution document numbered 5373,
8 being the solemn declaration of J. W. Craven, is
9 offered for identification."

10 CLERK OF THE COURT: Prosecution's document
11 No. 5373 will be given exhibit No. 1507 for identi-
12 fication only.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1507 for identification only.)

16 MR. JUSTICE MANSFIELD: "And the marked
17 excerpt offered in evidence."

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: The marked excerpt there-
20 from bearing the same document number will receive
21 exhibit No. 1507-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1507-A and received in evidence.)

25 MR. JUSTICE MANSFIELD: "In January 1942,

1 the deponent commanded the Alexandra Hospital,
2 Singapore, and he confirms the events related by
3 F. C. Stuart. The declaration further states:

4 "Tuesday, 17 February 1942. The Japan-
5 ese G.O.C. called at the hospital at 3 p.m.... He ex-
6 pressed regret for the hard time the hospital had had
7 and assured me that the Japanese were hard fighters
8 but kindly captors and that we had nothing to fear...
9 Before leaving he visited part of the hospital and
10 finally I was told that I was to regard his visit as
11 being that of a direct representative of the Japanese
12 Emperor, and that no higher honour could be paid us.

13 "Evidentiary document No. 5450. Synopsis
14 of Evidence" -- this is the same synopsis.

15 "B. Prisoners of War in Internment.

16 "1. (a) Prosecution document numbered
17 5063, being affidavit of D. E. Main, is now offered
18 for identification."

19 CLERK OF THE COURT: Prosecution's docu-
20 ment No. 5063 will receive exhibit No. 1508 for identi-
21 fication only.

22 (Whereupon, the document above
23 referred to was marked prosecution's ex-
24 hibit No. 1508 for identification only.)

25 MR. JUSTICE MANSFIELD: "And the marked

1 excerpt offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: The marked excerpt
4 therefrom, bearing the same document number, will
5 receive exhibit No. 1508-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1508-A and received in evidence.)

9 MR. JUSTICE MANSFIELD: "And prosecution
10 document numbered 5061, being the affidavit of
11 Lieutenant F. Ramsbotham, is offered for identi-
12 fication.

13 CLERK OF THE COURT: Prosecution's document
14 No. 5061 will receive exhibit No. 1509 for identi-
15 fication only.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1509 for identification only.)

19 MR. JUSTICE MANSFIELD: "And the marked
20 excerpt offered in evidence."

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: The marked excerpt
23 therefrom, bearing the same document number, will
24 receive exhibit No. 1509-A.

25 (Whereupon, the document above

1 referred to was marked prosecution's ex-
2 hibit No. 1509-A and received in evidence.)

3 MR. JUSTICE MANSFIELD: "These affidavits
4 state that in the Great World Camp and on working
5 parties, prisoners were beaten and assaulted
6 viciously and regularly. They were kicked, beaten
7 with any convenient instrument, whipped, locked
8 into unventilated and confined spaces, thrown
9 into boiling baths, and generally at the will of their
10 captors.

11 "(b) Prosecution document numbered 5080,
12 the affidavit of Lt. Col. C. P. Heath, D. S. O.,
13 is offered for identification."

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5080 will receive exhibit No. 1510 for
16 identification only.

17 ("Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1510 for identification only.)

20 MR. JUSTICE MANSFIELD: "And the marked
21 excerpt offered in evidence."

22 THE PRESIDENT: Admitted on the usual
23 terms.

24 CLERK OF THE COURT: The marked exhibit
25 therefrom, bearing the same document number, will

1 receive exhibit No. 1510-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1510-A and received in evidence.)

5 MR. JUSTICE MANSFIELD: "This affidavit
6 stated that in July, 1942, at Havelock Road Camp,
7 prisoners from that camp and from the adjoining
8 River Valley Camp were paraded. The 400 men
9 mostly sick and bare-footed, were then forced to
10 run round in a large circle, for thirty-five
11 minutes. The Japanese Commandant in addressing the
12 men, said: 'I have proved to you that you can
13 dance in bare feet; therefore, you can work in bare
14 feet.'

15 "This was the only action taken on repeated
16 requests for adequate footwear to be provided for
17 the prisoners.

18 "Food and medical stores were always in
19 short supply.

20 "(c) Prosecution document numbered 5130,
21 being the affidavit of Sgt. G. V. D. Picozzi, is
22 now offered for identification.

23 CLERK OF THE COURT: Prosecution's document
24 No. 5130 will receive exhibit No. 1511 for identi-
25 fication only.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1511 for identification only.)

4 MR. JUSTICE MANSFIELD: "And the marked
5 excerpt offered in evidence."

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: The marked excerpt
8 therefrom, bearing the same document number, will
9 receive exhibit No. 1511-A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1511-A and received in evidence.)

13 MR. JUSTICE MANSFIELD: "This affidavit
14 relates to the inhuman conditions existing in the
15 Military Gaol, Pearls Hill Prison.

16 "Men were beaten and tortured to death
17 with little provocation. Chinese and Eurasians,
18 too sick to walk or crawl, were carried out on
19 stretchers to be executed.

20 "When Hatfield was condemned to die, he
21 was kept in an empty cell for six days prior to his
22 execution.....He had a horror of beheading and the
23 guards never lost an opportunity of tormenting him
24 with reminders of what was to come. His mental
25 anguish must have been almost unbearable. From a

1 16 stone man he had become a 7 stone wreck and
2 was executed on 6 December 1943.'

3 "Men were driven mad by constant ill-
4 treatment and a Chinese killed himself by beating
5 his head against the wall of his cell.

6 "The prisoners were hopelessly under-
7 nourished and covered in scabrous sores. When
8 they were thought to be about to die, they were
9 sent to Changi POW Hospital, so that the prison
10 death rate did not appear too great.

11 "(a) Prosecution document numbered
12 5428, the affidavit of Lieut. R. G. Wills, is
13 offered for identification.

14 CLERK OF THE COURT: Prosecution's docu-
15 ment No. 5428 will receive exhibit No. 1512 for
16 identification only.

17 ("hereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1512 for identification only.)

20 MR. JUSTICE MANSFIELD: "And the marked
21 excerpt offered in evidence."

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: And the marked excerpt
24 therefrom, bearing the same document number, will
25 receive exhibit No. 1512-A.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1512-A and received in evidence.)

4 MR. JUSTICE MANSFIELD: "This document re-
5 fers to the many instances of maltreatment of
6 prisoners of war in Outram Road Gaol.

7 "(b) Prosecution document numbered 5395,
8 the affidavit of Lieut. P. V. Dean, is offered for
9 identification.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5395 will receive exhibit No. 1513 for identi-
12 fication only.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1513 for identification only.)

16 MR. JUSTICE MANSFIELD: "And the marked
17 excerpt offered in evidence."

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: And the marked excerpt
20 therefrom, bearing the same document number, will
21 receive exhibit No. 1513-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1513-A and received in evidence.)
25

1 "I was a Lieutenant in the 2/4 Machine Gun
2 Battalion, A.I.F. and was taken prisoner on 15 February
3 1942 at Singapore.

4 "2. I was taken to Selarang Prisoner of War
5 Camp, from which I escaped on 17 March, with an Aus-
6 tralian Corporal. We crossed the Straits of Johore
7 in a small prau and as we approached a small fishing
8 village, our immediate destination, were captured by
9 Tamils and Malays, who handed us over to the Kempei-
10 Tai, on 6th April 1942. I spent 4 days with the
11 Kempei-Tai, who tortured me by burning cigarettes on
12 my chest and hands and by beating me on the head with
13 bamboos, to force a confession that I was a spy.

14 "3. I was transferred to Curran camp, which
15 was the Sikh Guard camp for Changi and held there until
16 16th April when I was sent back to the Kempei-Tai. I
17 was held there until 24th April, during which time I
18 was asked to sign a statement, which I refused. After
19 four days of beating, burning with cigarettes and elec-
20 trical shocks, which on one occasion knocked me un-
21 conscious, I was handed a statement in Japanese with
22 no English translation, which I was ordered to sign
23 under threats of further torture. I asked for a trans-
24 lation of the document, which was refused and eventually
25 I signed the Japanese document. I was then sent to

1 Outram Road gaol on 24th April.

2 "4. On 18th May 1942 I was brought for trial
3 before a Japanese Court Martial in Singapore. All the
4 proceedings were in Japanese and there was no trans-
5 lation. I eventually learned that I had received
6 two years solitary confinement. I was then removed
7 to Outram Road gaol in which gaol I remained until
8 18th May 1944.

9 "5. The cells in Outram Road were 6ft by 10 ft.,
10 normally one man per cell. Later two or three men were
11 put into each cell. In the cell were three boards to
12 serve as a bed, together with a hard wooden pillow.
13 There was a latrine bucket, which was normally cleared
14 twice a week. There was one blanket. During the two
15 years I was in the gaol, approximately 2400 military
16 and non-Japanese personnel passed through the gaol. Of
17 those 110 were military, 150 British and Eurasian. The
18 remainder were Chinese, Malays, and Tamils. Of those,
19 approximately 1,000 people died in all. During the
20 same period 3000 Japanese passed through the gaol, of
21 whom only one died. The most the gaol held at any one
22 period of time, of non-Japanese personnel, was 230.

23 "6. The conditions in Outram Road were ap-
24 palling. The ration consisted of three meals per day,
25 in all 6 ounces of rice and 1½ pints of watery soup."

1 "There was no Japanese doctor in the prison camp and
2 the one English doctor, a prisoner for a short time in
3 the camp, was given no facilities with which to deal
4 with the sick. He was not even allowed to visit them.
5 The gaol was 250 yards from Alexandra Hospital, the
6 main hospital of Singapore, but no prisoner was ever
7 sent there, except for one Chinese who tried to commit
8 suicide before trial. He was taken to the Hospital
9 where his head was sewn up and brought back to the
10 gaol for trial.

11 "There were no showers, no towels, no toilet
12 articles of any nature. In order to wash ourselves
13 we were sometimes given a bucket of water to throw
14 over ourselves. For the first six weeks I never left
15 my cell and never had a wash.

16 "When I first arrived in the gaol it was like
17 bedlam. People were screaming all day from pain from
18 their wounds and their beatings. The gaol Commandant
19 used to come and watch us, make no comment and leave.
20 The guards, both Korean and Japanese, had complete
21 control over the prisoners. I saw many prisoners
22 beaten and I saw many people die. Examples are as
23 follows:

24 "On the 10th of May, 1943, four Chinese ar-
25 rived in the prison. They were handcuffed and chained

1 down in their cell. They were in good physical condi-
2 tion. They were dead in six weeks of malnutrition
3 and beatings. I saw them often beaten by sticks and
4 sword scabbards.

5 "Davies, an English man, very bigly built,
6 arrived at approximately the same time as I did in
7 April, 1942. He contracted Beri-Beri and by August his
8 testicles were two feet in diameter. His only method
9 of walking was to carry them in front of him. The
10 Japanese used to bring their friends in to watch him
11 and never did anything to help him, nor permit others
12 to help him. Davies died in October in great agony.
13 He had been beaten many times and he died covered in
14 his own excreta and urine. For five days before his
15 death he had been unable to leave his cell and we were
16 not allowed to help.

17 "C. W. Barter died on the 13th February, 1943,
18 as a result of beating. Shortly before he died he was
19 very weak, suffering from Beri-Beri and dysentery, and
20 on the 12th February the guard came into his cell and
21 forced him to his feet to carry his latrine bucket out
22 to empty it. As this time Barter was merely skin and
23 bone. He was unable to lift the bucket and tried to
24 drag it along the ground. He was unable to do this,
25 however, and fell down. The guard beat him and

1 kicked him for nearly five minutes. The next morning
2 he was dead.

3 "Allen, an Australian, died on the 10th July,
4 1943. After his death, without the knowledge of the
5 Japanese authorities, his body was weighed by our own
6 medical people in Changi. The weight was 56 pounds,
7 approximately what the bones, of themselves, would
8 weigh. For the fortnight before his death he was not
9 able to leave his cell, or even to move about. Never-
10 theless, the guards put rice in a corner of the cell,
11 which Allen was not able to reach. I asked many times
12 to be allowed to feed him, but the various guards re-
13 fused. I was ordered to dress him after his death, and
14 when I saw him he was literally bone covered in scales
15 as a result of dry Beri-Beri. He was covered in filth.

16 "Hatfield, an Australian Sergeant, was caught
17 in Singapore in May 1943. He spent three months with
18 the Kempei-Tai and was then brought into the gaol in
19 August. He was tried in November 1943, and sentenced
20 to be executed as a spy. I had some small knowledge
21 of Japanese and I was taken to Hatfield on the 4th
22 December, 1943, who asked me to arrange for him to
23 make a will and for a Priest. Both these requests were
24 refused by the gaol Commandant. Hatfield was taken
25 away from the gaol on the 6th of December, and the

1 guard who executed him told me later that he had had
2 the pleasure of executing Hatfield in a field at
3 Bukit Timah.

4 "Mrs. Nixon, the only European woman I saw
5 at Outram Road, came in January, 1944. She had been
6 an internee at Changi. She was brought in by the Kem-
7 pei-Tai and confined in the same circumstances as our-
8 selves, without any privacy. She was still there when
9 I left in May, 1944, in solitary confinement.

10 "Father Massino and another Portuguese Priest
11 were brought into the gaol in 1943 and had both been
12 tortured previously by the Kempei-Tai. They died of
13 disease in the gaol. Massino was regularly beaten by
14 the guards when they saw him on his knees praying.

15 "Hugh Fraser, the Colonial Secretary, Malaya,
16 arrived with a party at the end of 1943. He had been
17 with the Kempei-Tai some four months prior to his
18 arrival. He was beaten by the guards regularly and
19 died after I left.

20 "There was an Englishman who in May, 1943
21 developed a form of scabies as the result of which the
22 whole of the area at the back of his body from the
23 waist to knees became an open sore, which dripped
24 puss. He was quite unable to sit down or lie down
25 for three months, and was given no treatment, no

1 bandages or rags to wipe the matter coming from the
2 wound. Fortunately, eventually it dried by itself.

3 "Two Chinese women were brought into the
4 gaol on the 26th July 1943, and were held in the same
5 circumstances and conditions as the men. One woman
6 was in an advanced stage of pregnancy. She was moved
7 only a few days prior to the birth of her child.

8 "A Chinese boy, aged 12, came into the gaol
9 with his mother. She was put into one cell and he in
10 another. He died of Beri-Beri in about nine weeks.
11 I carried his body when he was dead. It was all puffed
12 out and his head was so swollen that the features were
13 not obviously recognizable as human.

14 "A number of people went mad under these con-
15 ditions. The Japanese method of treatment was to put
16 three or four more people into the cell to look after
17 the lunatic. In most cases the mad man died because
18 he refused to eat. On several occasions he injured his
19 companions.

20 "Major Smith who arrived at the end of Novem-
21 ber, 1943 had had his jaw broken by the Kempei-Tai
22 during interrogation. It was exceedingly difficult
23 for him to eat. He was refused treatment in the prison,
24 the Japanese answer being if he had told the truth he
25 would not have had his jaw broken."

1 "8. At the end of 1943 the prison authori-
2 ties sent some of the worst sick away from Outram
3 Road to Changi Hospital. In almost every case the
4 men sent were about to die, and the doctors in the
5 hospital told me that these sick men were impossible
6 to save, and it appeared that the Japanese were sending
7 them so that the official death rate in Outram Road
8 would appear to be less than it was in fact.

9 "9. I had a big cyst on my right hip in
10 September, 1943, from which I suffered for nearly a
11 month. Moreover, my side was enormously swollen and
12 I asked the guard to slice the top of it off, which he
13 did with his sword and then drained the puss. This
14 I took as a kindly act. There was a dispensary in
15 the gaol and a Japanese orderly, with a large number
16 of drugs and instruments, who refused to treat me.
17 In August 1942 two Japanese escaped from their portion
18 of the gaol and as a punishment for three weeks all the
19 prisoners had to sit to attention, that is, on their
20 heels and cross-legged, from 7 in the morning till
21 9:30 at night. The daily ration was 3 ounces of rice,
22 a small bowl of water and a piece of rock salt.

23 "10. I had one pair of shorts during the
24 whole period, April 1942 to September 1943. This was
25 the case with many of us. In September 1943 we were

1 issued with one Japanese shirt and a pair of shorts,
2 which had come from diseased Japanese sick. These
3 garments were washed once a month, and owing to their
4 refusal to allow us to number or mark the garments, no
5 prisoner normally ever received his own garment back.
6 In view of the diseased nature of most of the prisoners,
7 under this system it was impossible for anyone to remain
8 healthy. In a short time everyone had scabies.

9 "11. It is difficult to describe the cells
10 in which we lived. There was blood and puss stains
11 on the wall, where people had wiped the hands they had
12 used to dry their wounds. Piles of scaly skin lay in
13 the corners. There were bed bugs in the boards of the
14 bed. We were never shaved and had to cut our nails by
15 scraping them on the concrete floors. All the guards
16 wore masks when they were on duty in our block of
17 cells. They never touched anything in our cells with
18 their hands, only with their swords or with gloves.
19 Our cells were cleaned, to my knowledge, only twice in
20 the two years. On the other hand, the block in which
21 the Japanese prisoners were housed was beautifully
22 clean.

23 "12. Every guard was a law unto himself, and
24 one evening a guard would beat us for not being asleep;
25 the next on duty would beat us for being asleep."

1 "There were working parties in the gaol which
2 began in October 1942 when some of us went out clean-
3 ing drains. By May 1943 other parties had been formed.

4 "It was impossible to keep notes or a diary
5 since cells were searched daily. Outram Road gaol
6 was the central gaol for the Japanese Southern Army,
7 so that when a cell was empty we knew either the man
8 had died, or had been executed, or was about to be
9 executed.

10 "When I first arrived in the gaol I saw in
11 the open buildings which were around six fully stocked
12 with cases of tinned milk. I estimate there were be-
13 tween 20 and 30 thousand cases. We got a little for
14 the first month; after that we had milk twice, on the
15 Emperor's birthday in 1942 and 1943. The milk was
16 used by the Japanese for themselves in the gaol and
17 as presents to visitors. It was not distributed to
18 other units. There was enough milk in the gaol to
19 supply every prisoner with milk until the end of the
20 war, with a good deal to spare, and Vitamin B was, of
21 course, our greatest need.

22 "On one occasion a member of the Royal family
23 walked through the gaol at the end of 1942. He never
24 looked into the cells; he merely walked into the
25 passage. On several occasions high-ranking officers

1 paid visits to the gaol. They must have seen some of
2 the prisoners at their work or carrying their latrine
3 buckets to be emptied. Prior to such visits, the cell
4 steps would be scrubbed with soap. Soap was never
5 issued to the prisoners for the purpose of washing their
6 bodies.

7 "On the 18th of May 1944 I left Outram Road
8 gaol and went back to Changi gaol and was put in the
9 tower. I was asked to sign a non-escape form, which
10 I did eventually under compulsion. I was then re-
11 leased and became an interpreter, going to Bukit Panjang
12 with 379 officers and men to dig Japanese fortifica-
13 tions. The Australian Camp Commandant protested to the
14 Japanese sergeant in charge of the camp, and to high
15 inspecting officers who visited, as to the nature of
16 the work, but to no avail. In June 1945 an Australian,
17 Private Wilson, was killed in a fall of earth owing to
18 insufficient precautions being taken during the tun-
19 neling of the hole.

20 "The work parties began at 8 a.m. and marched
21 four or five miles each morning. For the most part,
22 men had no boots. Some used home-made rubber shoes
23 or clogs; others had bare feet. Officers were not
24 permitted to leave the camp, nor allowed to go with
25 the working parties, which normally returned at 6:30

1 p.m. Towards June 1945 the men began to return from
2 work parties at 10 p.m. in the evening, after working
3 20 to 30 feet into the side of a hill by candlelight,
4 and not having eaten since midday. They often came
5 back wet through. No lights were allowed in the camp,
6 and the hours were so irregular that it was often very
7 difficult to provide a hot meal at night.

8 "Clothing was very short in the camp, and in
9 about July 1945 fifty pairs of Chinese women's bloomers
10 were issued, to the great amusement of the villagers
11 as some of the men walked through the streets in them.
12 We had very little medical stores in the camp, and
13 although 200 yards away was a medical stores distribu-
14 tion center, we were unable to obtain any, nevertheless.
15 A good deal of beating up by the guards took place.
16 One order that all men had to salute sentries provided
17 ample excuse for many beatings.

18 "The ration for working men was ten ounces
19 of rice daily, three ounces of vegetables, and occasion-
20 ally tinned food, which appeared to be Red Cross sup-
21 plies since I saw Red Cross parcels in the stores.
22 The ration for a sick man was about 30 percent less.
23 This affected the camp basic ration, as about 50
24 percent of the camp were sick."
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1 MR. JUSTICE MANSFIELD: "Prosecution
2 document numbered 5397, the affidavit of Lieut.
3 A.G. Weynton, is now offered for identification."

4 CLERK OF THE COURT: Prosecution's
5 document No. 5397 will receive exhibit No. 1514
6 for identification only.

7 (Whereupon, the document above
8 referred to was marked prosecution's
9 exhibit No. 1514 for identification only.)

10 MR. JUSTICE MANSFIELD: "And the marked
11 excerpt offered in evidence."

12 THE PRESIDENT: Admitted on the usual
13 terms.

14 CLERK OF THE COURT: And the marked ex-
15 cerpt therefrom, bearing the same documentary
16 number, will receive exhibit No. 1514-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19 hibit No. 1514-A and received in evidence.)

20 MR. JUSTICE MANSFIELD: "This affidavit
21 confirms the conditions of living in Outram Road
22 gaol and makes reference to the beatings and murder
23 of prisoners, and to the execution without trial of
24 Allied airmen and civilians.

25 "Prosecution document numbered 5077, being

1 the affidavit of Major J.W.D. Bull, is now offered
2 for identification."

3 CLERK OF THE COURT: Prosecution's docu-
4 ment No. 5077 will receive exhibit No. 1515 for
5 identification only.

6 (Whereupon, the document above
7 referred to was marked prosecution's
8 exhibit No. 1515 for identification only.)

9 MR. JUSTICE MANSFIELD: "And the marked
10 excerpt offered in evidence."

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: And the marked ex-
14 cerpt therefrom bearing the same documentary
15 number, will receive exhibit No. 1515-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's ex-
18 hibit No. 1515-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: "Prosecution docu-
20 ment numbered 5064-B, being the affidavit of Major
21 B.L.W. Clarke, is offered for identification only."

22 CLERK OF THE COURT: Prosecution's docu-
23 ment No. 5064-B will receive exhibit No. 1516 for
24 identification only.

25 (Whereupon, the document above

1 referred to was marked prosecution's ex-
2 hibit No. 1516 for identification only.)

3 MR. JUSTICE MANSFIELD: "And the marked
4 excerpt tendered in evidence."

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: And the marked
8 excerpt therefrom, bearing the same documentary
9 number, will receive exhibit No. 1516-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1516-A and received in evidence.)

13 MR. JUSTICE MANSFIELD: "These documents
14 refer to the gross inadequacy of food supplied to
15 the prisoners in Roberts Barracks and ARANJI Camp,
16 resulting in deficiency and other diseases; no
17 attempt was made by the Japanese to control the
18 incidence of malaria. When men came to hospital
19 from work on the Burma-Siam railway, in appalling
20 physical condition, the P.O.W. doctors were given
21 no help or facilities to deal with them. There
22 was a shortage of essential drugs and stores.
23 Accommodation for the sick was greatly inadequate.

24 "After the surrender, the Japanese sent in
25 enormous quantities of food to the hospitals. Drugs,

1 instruments and other greatly needed articles were
2 sent in. These had been in Singapore since 1942,
3 yet requests for food and drugs to save life had
4 always during internment been refused.

5 "Prosecution document numbered 5058, being
6 the affidavit of Brig. F.G. Galleghan, is now
7 offered for identification."

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 5058 will receive exhibit No. 1517 for
10 identification only.

11 (Whereupon, the document above
12 referred to was marked prosecution's ex-
13 hibit No. 1517 for identification only.)

14 MR. JUSTICE MANSFIELD: "And the marked ex-
15 cerpt offered in evidence."

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: And the marked excerpt
18 therefrom, bearing the same documentary number, will
19 receive exhibit No. 1517-A.

20 (Whereupon, the document above
21 referred to was marked prosecution's ex-
22 hibit No. 1517-A and received in evidence.)

23 MR. JUSTICE MANSFIELD: "This affidavit
24 states that:
25

(1) In September 1942, four prisoners of

1 war were executed without trial by
2 the Japanese for an attempted
3 escape three months earlier. They
4 were shot in the presence of the
5 witness. After the execution the
6 Japanese Commander gave the P.O.W.
7 spectators a homily reminding them
8 that disobedience of orders meant
9 death.

10 "(ii) Owing to the refusal to sign non-
11 escape forms voluntarily, the 16,000
12 prisoners of war under the command of
13 the witness were ordered to move into
14 the square at Selarang Barracks by
15 1800 hours, 2 September 1942. The
16 normal accommodation of the barracks
17 was for roughly 450 men. The prison-
18 ers of war remained thus until 4
19 September, when an agreement was
20 reached. During this period no
21 rations were supplied to the prisoners
22 of war, and there was a large in-
23 crease in the number of dysentery and
24 diphtheria cases. Evacuation of the
25 sick from the square into the hospital

was not permitted.

"(iii) In Changi Camp, food was always inadequate. One man of 16 stone weight dropped to 4½ stone and generally people were at least one-third underweight. Deficiency and skin diseases were rife. Medical supplies were grossly inadequate."

1 "(iv) Prisoners were engaged on building
2 airfields, hours were long, clothing was insufficient
3 and representations to the Commanding Japanese General
4 of no avail. Japanese aeroplanes used the airfield
5 after its construction.

6 "(v) Demands made by the Japanese for
7 working parties were impossible to fulfill using only
8 healthy men. Sick men were forced to work and repeated
9 complaints were useless.

10 "(vi) There were no visits of any Red Cross
11 Representative, despite frequent requests.

12 "(vii) There were inspections of Changi
13 Camp by high-ranking officers. Count TERAUCHI twice
14 inspected the Camp. General ITAGAKI inspected the camp
15 and walked through it. General TOJO when in Singapore
16 did not visit the Camp.

17 "4. Prosecution Document numbered 5057-B, the
18 affidavit of W.T.C. Guest is now offered for identifi-
19 cation."

20 CLERK OF THE COURT: Prosecution's document No.
21 5057-B will receive exhibit No. 1518 for identifica-
22 tion only.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 1518
25 for identification.)

1 MR. JUSTICE MANSFIELD: "And the marked excerpt
2 offered in evidence."

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpt
5 therefrom, bearing the same document number, will
6 receive exhibit No. 1518-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1518-A, and was received in evidence.)

10 MR. JUSTICE MANSFIELD: "This affidavit states
11 that the witness, the Red Cross Representative in
12 Malaya, interned as a prisoner of war in River Valley
13 Camp, was hampered and frustrated in every effort he
14 made to use the facilities of his Society for the
15 benefit of the prisoners of war. Permission was refused
16 to enable the witness to make necessary purchases and
17 help prisoners of war in the hands of the Kempei Tai.

18 "The witness brought the Red Cross Conventions
19 and Rules to the notice of various Japanese officers in
20 a fruitless endeavour to obtain proper facilities.

21 "Red Cross parcels were misused and no super-
22 vision in their distribution was permitted.

23 "C. Internees.

24 "Prosecution Document numbered 5078 being the
25 Affidavit of J. L. Wilson, the Right Reverend Lord

1 Bishop of Singapore together with the report of the
2 Sime Road Commission in relation to 'The Double Tenth'
3 raid, is now offered for identification."

4 CLERK OF THE COURT: Prosecution's document
5 No. 5078 will receive exhibit No. 1519 for identifica-
6 tion only.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1519 for identification.)

10 MR. JUSTICE MANSFIELD: "And the marked
11 excerpts offered in evidence."

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpt
14 therefrom, bearing the same document number, will
15 received exhibit No. 1519-A.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1519-A, and was received in evidence.)

19 THE PRESIDENT: You will read now without
20 a break to the end of the document, apparently?

21 MR. JUSTICE MANSFIELD: Yes.

22 THE PRESIDENT: We might as well take the
23 recess at this stage. We will recess for fifteen
24 minutes.

25 (Whereupon, at 1440, a recess was

1 taken until 1455, after which the proceedings
2 were resumed as follows:)

3
4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Mr. Justice Mansfield.

7 MR. JUSTICE MANSFIELD: This document states
8 that:

9 "On 10 October 1943 all internees in Changi
10 Prison were paraded soon after dawn in the Main Yard
11 as if for a routine roll-call.....A number of the
12 internees were called out by name, labelled and segre-
13 gated.....The investigation finished after dusk and
14 internees were allowed to return inside the Prison.
15 Many of them had had no food since 6 p.m. on the pre-
16 vious day, and some suffering distress and even
17 collapse owing to the day-long exposure to the sun
18 without food.

19 "In consequence of this investigation, 57
20 internees were removed from Changi Prison by the
21 Military Police on or after 10 October 1943.....The
22 Japanese were trying to establish that there was a spy
23 organisation in Changi Prison which received and trans-
24 mitted by radio telephony, which had established
25 contacts in the town for the purpose of sabotage and

1 taken until 1455, after which the proceedings
2 were resumed as follows:)

3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.

5 THE PRESIDENT: Mr. Justice Mansfield.

6 MR. JUSTICE MANSFIELD: This document states
7 that:

8 "On 10 October 1943 all internees in Changi
9 Prison were paraded soon after dawn in the Main Yard
10 as if for a routine roll-call.....A number of the
11 internees were called out by name, labelled and segre-
12 gated.....The investigation finished after dusk and
13 internees were allowed to return inside the Prison.
14 Many of them had had no food since 6 p.m. on the pre-
15 vious day, and some suffering distress and even
16 collapse owing to the day-long exposure to the sun
17 without food.

18 "In consequence of this investigation, 57
19 internees were removed from Changi Prison by the
20 Military Police on or after 10 October 1943.....The
21 Japanese were trying to establish that there was a spy
22 organisation in Changi Prison which received and trans-
23 mitted by radio telephony, which had established
24 contacts in the town for the purpose of sabotage and
25

1 stirring up of anti-Japanese feeling, and which
2 collected money from outside for this purpose. In
3 fact, there was no spy organization, no radio trans-
4 mission and no attempt to promote anti-Japanese
5 activities outside the Camp....

6 The conditions under which Internees were
7 detained by the Military Police were rigorous in the
8 extreme. They were crowded, irrespective of race, sex,
9 or state of health, in small cells or cages. They
10 were so cramped that they could not lie down in com-
11 fort. No bedding or coverings of any kind were pro-
12 vided and bright lights were kept burning overhead all
13 night. From 8 a. m. to 10 p. m. inmates had to sit
14 up straight on the bare floor with their knees up and
15 were not allowed to relax or put their hands on the
16 floor, or talk, or move, except to go to the lavatory.
17 Any infraction of the rigid discipline involved a beating
18 by the sentries. There was one pedestal water-closet
19 in each cell or cage, and the water flushing into the
20 pan provided the only water supply for all purposes,
21 including drinking. It should be recorded here that
22 nearly all of the inmates suffered from enteritis or
23 dysentery. No soap, towel, toilet articles or
24 handkerchiefs were permitted and inmates had no cloth-
25 ing other than those they were wearing.

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1 The food supplied.....was insufficient to
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1 support life over a long period and led to serious
2 deficiency diseases in all cases of long detention.

3 "Medical facilities.....were for all practical
4 purposes non-existent....a Japanese doctor, who was
5 called to see an Internee suffering from a fractured
6 pelvis and possibly ruptured kidney, remarked that the
7 man was not sick enough.....

8 "The buildings occupied by the Japanese
9 Military Police resounded all day and all night with
10 blows, the bellowing of the inquisitors, and the shrieks
11 of the tortured. From time to time, victims from the
12 torture chamber would stagger back or, if unconscious,
13 would be dragged back to their cells with marks of their
14 ill-treatment on their bodies. In one such case, an
15 unconscious victim so returned died during the night,
16 without receiving any medical attention, and his body
17 was not removed until the afternoon. In these con-
18 ditions, and this atmosphere of terror, these men and
19 women waited, sometimes for months, their summons to
20 interrogation which might come at any hour of the day
21 or night.

22 "Usually interrogations started quietly and
23 would so continue as long as the inquisitors got the
24 expected answers. If, for any reason, such answers
25 were not forthcoming, physical violence was immediately

1 employed. The methods used were:

2 "(1) Water Torture. There were two forms of
3 water torture. In the first, the victim was tied or
4 held down on his back and a cloth placed over his nose
5 and mouth. Water was then poured on the cloth. Inter-
6 rogation proceeded and the victim was beaten if he did
7 not reply. As he opened his mouth to breathe or to
8 answer questions, water went down his throat until
9 he could hold no more. Sometimes, he was then beaten
10 over his distended stomach, sometimes a Japanese
11 jumped on his stomach, or sometimes pressed on it with
12 his foot.

13 "In the second, the victim was tied lengthways
14 on a ladder, face upwards, with a rung of the ladder
15 across his throat and his head below the latter. In
16 this position, he was slid first into a tub of water
17 and kept there until almost drowned. After being
18 revived, interrogation proceeded and he would be re-
19 immersed.

20 "(2) Beating with iron bars, brass rods,
21 sticks, bamboos, wet knotted ropes, belts with buckles,
22 or revolver butts, all over the body. Whilst these
23 beatings were being inflicted, the victims were some-
24 times suspended by the wrists from a rope passed over
25 a beam. Sometimes their hands were tied behind their

1 backs and they were forced to kneel on sharp pieces
2 of wood or iron, while sharp-edged pieces of wood or
3 metal were placed behind their knees so as to cut into
4 the flesh as they knelt. While they were so kneeling
5 the Japanese would jump on their thighs or on the pro-
6 jecting ends of the bar or wood behind their knees;
7 sometimes to increase the pressure on the wood or bar
8 behind the knees, a Japanese would perch himself on the
9 shoulders of the victim, or the victim, with hands
10 untied, would be compelled to hold heavy weights above
11 his head. They were often forced to remain in this
12 position without intermission for 9 to 10 hours, during
13 which period interrogation would go on remorselessly,
14 punctuated by blows. At times, the victim would be tied
15 to a table and flogged until he lost consciousness. In
16 one case, the man so flogged counted over 200 blows
17 before losing consciousness. This treatment, was in
18 some cases, carried on daily for 4 to 5 days conse-
19 cutively. In one case, a European who died later, was
20 interrogated with the usual beating, for 58 hours at
21 a stretch and another European since dead, underwent
22 144 hours of beatings in all, according to the estimate
23 of his cell mates.

24 "(3) During interrogation the inquisitor,
25 in many cases, burnt the victim with cigarette and

1 cheroot ends, even on the most sensitive parts of the
2 body, e.g. arm-pits, between the toes, on the scrotum
3 and penis. Several Asiatics had petrol poured on their
4 bellies and ignited, and another Asiatic had his hands
5 tied together and immersed in a bowl of methylated
6 spirit which was ignited.

7 "(4) Electric Torture. There were two forms
8 of this. In the first, an induction coil was used, one
9 electrode being attached to the hand or foot and the
10 other bare wire was applied to various parts of the
11 body. One victim reports that he was thrown across
12 the room by the violence of the shock. The effect has
13 been described as one of physical and mental disinte-
14 gration. The second form apparently more severe, was
15 called the electric table or electric cap. There is
16 evidence that this was used by not on any of our
17 witnesses.

18 "(5) In addition to these forms of torture,
19 the inquisitor often employed other methods, such as
20 ju-jitsu, twisting of limbs, bending back of fingers,
21 twisting of sharp-edged wood between fingers, punching,
22 repeated blows on the same spot, and so on. These
23 methods in many cases resulted in dislocations and
24 permanent damage to limbs and joints. In one case,
25 the inquisitor punctuated his questions by flicking

1 off, with the frayed end of a bamboo, flesh bruised
2 in a previous beating. This left a permanent scar,
3 six inches by three inches on the victim's thigh.

4 "(6) In several cases, victims were led to
5 believe that their execution either by beheading or
6 shooting, was imminent. They were advised to write
7 a letter of farewell. Preparations for execution were
8 carried out, up the penultimate stage, with such
9 realism that, in two cases, the victims fainted.

10 "(7) Threats to families. Threats were also
11 made to take action against the family of the victim
12 (the wives of some Internees were believed to be in
13 Japanese custody in other parts of Asia). Torture was
14 carried out to the limit of human endurance. One
15 Internee attempted to commit suicide by jumping over
16 the verandah. In his fall he fractured his pelvis,
17 but, despite his condition, his interrogation under
18 torture was continued until just before he died. In
19 another case, the Internee asked his Inquisitors for
20 the means to commit suicide. A pistol was produced
21 and was snatched away only when the man was about to
22 carry out his declared intention."

23 Prosecution document No. 5131, being the
24 affidavit of C. E. Hiltermann is now produced for
25 identification.

1 CLERK OF THE COURT: Prosecution's document
2 No. 5131 will receive exhibit No. 1520 for identification
3 only.

4 (Whereupon, the document above referred
5 to was marked prosecution's exhibit No. 1520 for
6 identification.)

7 MR. JUSTICE MANSFIELD: And the marked excerpt
8 offered in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: The marked excerpt there-
11 from, bearing the same document number, will receive
12 exhibit No. 1520A.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 1520A and
15 received in evidence.)

16 MR. JUSTICE MANSFIELD: Prosecution document
17 No. 5205, being the affidavit of Dr. P. M. Johns is
18 offered for identification.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5205 will receive exhibit No. 1521 for identification
21 only.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1521 for
24 identification.)

25 MR. JUSTICE MANSFIELD: These affidavits

1 confirm the evidence of the Lord Bishop of Singapore
2 and describe the tortures they observed inflicted by
3 the Kempeitai on civilians.

4 The witness Hiltermann states that "on one
5 occasion I saw the Bishop of Singapore who had been
6 maltreated terribly. His legs from his hips to his
7 ankles had been beaten to pulp. They were literally
8 like raw meat.....He was just about able to crawl.

9 Every refinement of torture, every con-
10 ceivable humiliation, every possible degradation, was
11 inflicted upon the internees as these documents testify.

12 THE PRESIDENT: The last excerpt is admitted
13 on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 5205, the excerpt from the one for identification,
16 was given exhibit No. 1521A.

17 (Whereupon, the document above referred
18 to was marked prosecution's exhibit No. 1521A and
19 received in evidence.)

20 MR. JUSTICE MANSFIELD: Malaya. 1. Massacre
21 near Ipoh.

22 Prosecution's document No. 5154, being the
23 statement of Sepoy Mul Chand is now produced for
24 identification.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5154 will receive exhibit No. 1522 for identification
2 only.

3 (Whereupon, the document above referred
4 to was marked prosecution's exhibit No. 1522 for
5 identification.)

6 THE PRESIDENT: Mr. Logan.

7 MR. LOGAN: If the Tribunal please, may the
8 record show that defense makes the same objection to
9 the synopsis of document No. 5432 and any further
10 synopses introduced by the prosecution as that made
11 with respect to prosecution document No. 5430, prose-
12 cution exhibit 1497?

13 THE PRESIDENT: We take your objection to
14 apply to every synopsis and it is overruled in each
15 case.

16 MR. JUSTICE MANSFIELD: I omitted, if the
17 Tribunal please, to tender the excerpt being document
18 5432, which I now tender.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5432 will receive exhibit No. 1523 for admission.

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1523 and
24 received in evidence.)

25 MR. JUSTICE MANSFIELD: 1. Massacre near Ipor.

1 This document has already gone in. Prosecution docu-
2 ment No. 5154, being the statement of Sepoy Mul Chand
3 is now --- and the excerpt has gone in.

4 "This document relates that seventy-five
5 Indian soldiers when captured, were massacred by
6 beheading and the bayonet. The witness was bayoneted
7 himself but escaped with his life by lying under some
8 dead bodies."
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1 "2. Murder of prisoners at MUAR.

2 "Prosecution document numbered 5241 being
3 the Affidavit of T. C. TREVOR, is now offered for
4 identification" --

5 CLERK OF THE COURT: Prosecution's document
6 No. 5241 will receive exhibit No. 1524 for identifi-
7 cation only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1524 for identification.)

11 MR. JUSTICE MANSFIELD: (Continuing) "and
12 the marked excerpts produced in evidence."

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: The marked excerpt there-
15 from, bearing the same document No., will receive
16 exhibit No. 1524A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1524A and received in evidence.)

20 MR. JUSTICE MANSFIELD: (Continuing) "This
21 Affidavit states that on 3 February, 1942, six Aus-
22 tralian soldiers, including the witness, having been
23 captured by the Japanese, were at MUAR, in cold blood,
24 fired upon by a bren gun. All the men were killed or
25 died later, but the witness escaped."

1 "3. Massacre of P/W at PARIT SULONG

2 "Prosecution document numbered 5043, being
3 the Affidavit of Lt. B. C. HACKNEY, is now tendered
4 for identification" --

5 CLERK OF THE COURT: Prosecution's document
6 No. 5043 will be given exhibit No. 1525 for identifi-
7 cation only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit No.
10 1525 for identification.)

11 MR. JUSTICE MANSFIELD: (Continuing) "and
12 the marked excerpts offered in evidence."

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's marked
15 excerpt therefrom, bearing the same document No.,
16 will be given exhibit No. 1525A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit No.
19 1525A and received in evidence.)

20 MR. JUSTICE MANSFIELD: (Continuing) "This
21 Affidavit states that on 22nd January, 1942, the wit-
22 ness, who was wounded, and a large number of men from
23 other Units, were captured by the Japanese at Parit
24 Sulong. The witness describes their treatment as
25 follows:

1 "(1) On many occasions a Japanese indicated
2 to a wounded man to move along with the rest, although
3 he was incapable of any movement. Upon his failing
4 to move, the Japanese struck him with a rifle or
5 kicked him, or actually bayoneted him or shot him.

6 "(2) A Japanese drove his bayonet into a
7 man wounded in the chest and thigh and pushed him
8 along the road and again bayoneted him several times.
9 The witness, although wounded, was prodded with a
10 bayonet by a Japanese. The prisoners' watches, pens,
11 pencils and other property except clothing were taken
12 by the Japanese. Their clothing was removed during
13 the search. One dead soldier was propped up by the
14 Japanese and made an object of ridicule. About 150
15 nude and wounded prisoners, some with gaping, dirty
16 and blood-clotted wounds, were hit, kicked, punched
17 and prodded with bayonets, often in the open wounds,
18 by the Japanese. Many were knocked unconscious by
19 blows on the head with rifle butts.

20 "(3) Eventually the prisoners were forced
21 into a little shed or garage. The Japanese grunted
22 and prodded them with bayonets until most of the
23 prisoners had scrambled into the shed. Some were
24 knocked unconscious and others killed. The terrific
25 yells of wounded men in pain were continuous. The

shed soon became a hell-hole full of tortured, groaning and delirious wounded soldiers. There was not enough room in the shed to put down one's foot without stepping on somebody. Water was not given to the prisoners. A large number were re-wounded by the Japanese. Others were bayoneted or shot. Requests for medical attention and water were ignored. Water was held by Japanese guards just out of reach of some of the prisoners and then thrown away. A wounded Indian soldier who had been knocked down by a Japanese and rendered unconscious was, on showing signs of regaining consciousness, bayoneted and heaved into a stream. When his blood-stained face emerged above the water, the Japanese shot him.

"(4) Other ranks were tied up and maltreated. Some were bayoneted. Finally, they were all herded into a group and shot with rifles and machine guns. The Japanese removed the bodies, but not the witness who feigned death. Blood was running all over his face. A wound in his back left a small pool of blood on the ground. Some Japanese came and stood over him and one pushed him with his foot to make sure he was dead. Another kicked him in several places. The Japanese then brought tins of petrol and poured it over the prostrate prisoners, other than

1 the witness, some of whom were still conscious. They
 2 then set fire to the petrol amidst screams and yells
 3 of pain and the prisoners were burnt to death. The
 4 witness could smell the burning flesh. He lay still
 5 until the Japanese departed. Many Japanese passed
 6 him and kicked him and some pricked him with their
 7 bayonets. One actually drove a bayonet into his side
 8 between his ribs. Another took his boots from him.
 9 Later the witness was able to free himself from his
 10 bonds and met a sergeant and another soldier who
 11 smelt strongly of petrol. They had been together
 12 when the prisoners were fired upon and they fell with
 13 the first burst of firing although neither had been
 14 hit. Petrol was thrown on them but they were not
 15 burnt. The soldier who was with the sergeant died
 16 the following day.

17 "4. P/W in MALAYA.

18 "Prosecution document numbered 5085 being the
 19 Affidavit of L. J. W. SEEKINGS is now offered for
 20 identification" --

21 CLERK OF THE COURT: Prosecution's document
 22 5085 will receive exhibit No. 1526 for identification
 23 only.

24 (Whereupon, the document above re-
 25 ferred to was marked prosecution's exhibit

when the prisoners were fired upon and they fell with
 the first burst of firing although neither had been
 hit. Petrol was thrown on them but they were not

1 No. 1526 for identification.)

2 MR. JUSTICE MANSFIELD: (Continuing) "and
3 the marked excerpts produced in evidence."

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: The marked excerpts
6 therefrom, bearing the same document No., will receive
7 exhibit No. 1526A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit No.
10 1526A and received in evidence.)

11 MR. JUSTICE MANSFIELD: (Continuing) "This
12 Affidavit relates to the gross inadequacies of living
13 conditions, food and medical stores in the Kuala
14 Lumpur Camp during February - October, 1942. During
15 the first three months, 166 men died of battle injuries
16 and fever. No medical attention was provided by the
17 Japanese."

18 "Prosecution document numbered 5084, being
19 the Affidavit of Captain P. R. ADAMS is now offered
20 for identification" --

21 CLERK OF THE COURT: Prosecution's document
22 No. 5084 will receive exhibit No. 1527 for identifica-
23 tion only.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1527 for identification.)

2 MR. JUSTICE MANSFIELD: (Continuing) "and
3 the marked excerpts produced in evidence."

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Marked excerpts there-
6 from, bearing the same document No., will receive
7 exhibit No. 1527A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1527A and received in evidence.)

11 MR. JUSTICE MANSFIELD: (Continuing) "This
12 Affidavit refers to the conditions in Penang Gaol
13 where the witness remained for some two months, five
14 weeks of which was spent in solitary confinement in
15 the condemned cell.

16 "Men were beaten savagely for no apparent
17 reason. Sanitary arrangements were vile and sick men
18 refused admission to hospital.

19 "Prosecution document numbered 5024 B, the
20 Affidavit of Maj. R. H. STEVENS, is offered for
21 identification" --

22 CLERK OF THE COURT: Prosecution's document
23 No. 5024 B will receive exhibit No. 1528 for identifi-
24 cation only.

25 (Whereupon, the document above re-

1 ferred to was marked prosecution's exhibit
2 No. 1528 for identification.)

3 MR. JUSTICE MANFIELD: (Continuing) "and
4 the marked excerpts produced in evidence."

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Marked excerpt there-
7 from, bearing the same document No., will receive
8 exhibit No. 1528A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1528A and received in evidence.)

12 MR. JUSTICE MANFIELD: (Continuing) "This
13 document states that in March, 1945, P/W were billeted
14 in an overcrowded camp in JOHORE and that insanitary
15 latrines caused a great deal of dysentery.

16 "The prisoners laboured at making defence
17 works for the Japanese and owing to the lack of pre-
18 cautions, several men were killed and injured by falls
19 of earth. Hours of work were long and arduous since
20 there was no proper air supply.

21 "The witness was told that owing to the
22 prisoners being engaged on security work, in the
23 event of invasion, they would be killed.

24 "Conditions for surgery were unfavourable at
25 the camp and despite the existence of a large and

1 well equipped hospital, six miles away, permission
2 to evacuate cases there, was refused.

3 "Prosecution document numbered 5375, the
4 Affidavit of B. G. MAPLEBACK is offered for identifi-
5 cation" --

6 CLERK OF THE COURT: Prosecution's document
7 No. 5375 will receive exhibit No. 1529 for identifi-
8 cation only.

9 MR. JUSTICE MANSFIELD: (Continuing) "and
10 the marked excerpts offered in evidence."

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: The marked excerpts
13 therefrom, bearing the same document No., will
14 receive exhibit No. 1529A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1529A and received in evidence.)

18 MR. JUSTICE MANSFIELD: (Continuing) "This
19 Affidavit states that the witness and three other men
20 were taken prisoners near KULAI. They were roped to-
21 gether and driven some three miles at which point,
22 two of the prisoners were ordered out of the truck
23 and taken to a creek about 20 yards away. Here they
24 were shot with a tommy gun in the presence of the
25 witness. The bodies were left where they fell and

1 the Japanese returned to the truck.

2 "5. CIVILIANS IN MALAYA

3 "Prosecution document numbered 5139, the
4 sworn statement of CHEW SWAY LEOK is produced for
5 identification" --

6 CLERK OF THE COURT: Prosecution's document
7 No. 5139 will receive exhibit No. 1530 for identifi-
8 cation only.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1530 for identification.)

12 MR. JUSTICE MAN-FIELD: (Continuing) "and
13 the excerpts marked therein, tendered in evidence."

14 THE PRE-IDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The marked excerpt
16 therefrom, bearing the same document No., will re-
17 ceive exhibit No. 1530A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit No.
20 1530A and received in evidence.)

21 MR. JUSTICE MAN-FIELD: (Continuing) "This
22 statement relates that the witness and nine other
23 Chinese were beaten with rifle butts into unconscio-
24 ness at Batu Bahat Police Station in February, 1942.
25 On 1 March over 100 Chinese and European civilians

1 were put in lorries and taken in batches of thirty
2 five into the jungle. They were machine-gunned and
3 bayoneted. The witness waited until the Japanese
4 had gone and then escaped.

5 "Prosecution document numbered 5141, the
6 sworn statement of AHMAD BIN CHETEH is now offered
7 for identification" --

8 CLERK OF THE COURT: Prosecution's document
9 No. 5141 will receive exhibit No. 1531 for identifi-
10 cation only.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1531 for identification.)

14 MR. JUSTICE MANSFIELD: (Continuing) "and
15 marked excerpts produced in evidence."

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: The marked excerpts
18 therefrom, bearing the same document No., will re-
19 ceive exhibit No. 1531A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1531A and received in evidence.)

23 MR. JUSTICE MANSFIELD: (Continuing) "This
24 document states that towards the end of 1943, while
25 the witness was employed as a sub-warder in Penang

1 Gaol, he saw a Japanese M.P. torture a Chinese woman
2 of middle age.

3 "Wassio opened this woman's trousers and
4 burnt the hair around her pelvic parts with a lighted
5 piece of paper. Then Wassio tied a rope around her
6 waist, and, after binding it round her wrists, attached
7 the other end to a motorcycle: Then Wassio proceeded
8 to drive the motor-cycle at a quicker pace than it
9 was possible to run. The woman was pulled along the
10 ground about ten yards and then lost consciousness."

11 "The witness saw Chinese, Malay and Indian
12 prisoners tortured and stated that three Chinese died
13 after undergoing water torture.

14 "Prosecution document numbered 5142, the
15 sworn statement of Miss YONG LEN MOI, is produced
16 for identification" --

17 CLERK OF THE COURT: Prosecution's document
18 No. 5142 will receive exhibit No. 1532 for identifi-
19 cation only.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1532 for identification only.)

23 MR. JUSTICE MANSFIELD: (Continuing) "and
24 the marked excerpts thereof, offered in evidence."
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1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: The marked excerpt
3 therefrom, bearing the same document No., will re-
4 ceive exhibit No. 1532A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1532A and received in evidence.)

8 MR. JUSTICE MANSFIELD: (Continuing) "This
9 document refers to the torture of the witness's
10 grandmother who was suspended from the ceiling for
11 an hour while heavy weights were thrown at her legs
12 and feet. The witness further states that her grand-
13 mother was dragged along behind a motor cycle until
14 unconscious, as described in the evidence of the
15 preceding witness AHMAD.

16 "The witness herself was beaten and burned
17 in Penang Gaol where her grandmother later died as
18 a result of her maltreatment.

19 "Prosecution document numbered 5143, the
20 sworn statement of W. T. DAVIES and the statement of
21 Mrs. A. C. KATHIGASU, exhibited thereto, is now ten-
22 dered for identification" --

23 CLERK OF THE COURT: Prosecution's document
24 No. 5143 will receive exhibit No. 1533 for identifi-
25 cation only.

1 (Whereupon, the document before
2 referred to was marked prosecution's exhibit
3 No. 1533 for identification.)

4 MR. JUSTICE MANSFIELD: (Continuing) "and
5 the excerpts marked offered in evidence."

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: The excerpts therefrom,
8 bearing the same document number, will receive ex-
9 hibit No. 1533A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1533A and received in evidence.)

13 MR. JUSTICE MANSFIELD: (Continuing) "This
14 document relates that the witness was taken to IPOH
15 Police Station in August, 1943, where she was tortured
16 and beaten in many ways, and accused of being a spy.

17 "At Kempeitai HQ her child was suspended
18 from a tree with a fire blazing underneath her,
19 whilst the witness herself was tied to a post and
20 beaten with a stick. The child was eventually re-
21 leased.

22 "At Batu Gajah gaol the witness was impris-
23 oned for life, after having been sentenced to death.
24 Food was inadequate, the cells were verminous and
25 filthy. There were no bed coverings and no facilities

1 for bathing. The witness finally lost the use of
2 her legs but has since recovered."

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1 MR. JUSTICE MANSFIELD: We tender prose-
2 cution document No. 5441, being the synopses "BURMA-
3 SIAM."

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5441 will receive exhibit No. 1534.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1534 and received in evidence.)

10 MR. JUSTICE MANSFIELD: (Reading): "A.
11 CIVILIANS IN BURMA.

12 a) Prosecution Document numbered 5276, the
13 affidavit of T. B. AUCHTERLONIE, is now produced
14 for identification.

15 CLERK OF THE COURT: Prosecution's document
16 No. 5276 will receive exhibit No. 1535 for identifi-
17 cation only.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1535 for identification.)

21 MR. JUSTICE MANSFIELD: And the marked
22 excerpts offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: And the excerpts there-
25 from bearing the same document number will receive

1 exhibit No. 1535-A.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 1535-A and received in evidence.)

5 MR. JUSTICE MANSFIELD: The document refers
6 to the torture of a Burmese at Victoria Point Camp.
7 The man was confined for two weeks in what was known
8 as the Dog Cage, a wooden structure three feet by
9 five feet and then beaten, suspended by the hands
10 from a rafter and beaten in front of some of the
11 officers of the Camp. The man's ankles were then
12 tied up behind his body with a rope around his neck
13 and a fire lit beneath his feet. Later he was cut
14 down and driven away with an armed guard and some
15 digging tools. The truck returned without the Burmese.

16 Prosecution document numbered 5260, the sworn
17 statement of W. O. II A.H.H.CULLEN is now tendered
18 for identification

19 CLERK OF THE COURT: Prosecution's document
20 No. 5260 will receive exhibit No. 1536 for identifi-
21 cation only.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1536 for identification.)

25 MR. JUSTICE MANSFIELD: And the excerpts

1 marked therein offered for evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: And the excerpts there-
4 from, bearing the same document number, will receive
5 exhibit No. 1536-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1536-A and received in evidence.)

9 MR. JUSTICE HANSFIELD: This statement
10 relates to the murder of a Burmese in September, 1943.
11 Japanese guards beat the man with a six-foot bamboo
12 pole and forced a passing Burmese civilian to thrash
13 his countryman with this instrument. When the victim
14 was raw and bleeding, the guards decided to shoot him.
15 This was done and two P.O.W. belonging to the witness'
16 detachment were ordered to bury the body.

17 Prosecution document numbered 5120, the solemn
18 declaration of Mg. SAN MGWE is produced for identifi-
19 cation.

20 CLERK OF THE COURT: Prosecution's document
21 No. 5120 will receive exhibit No. 1537 for identifi-
22 cation only.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1537 for identification.)

1 MR. JUSTICE MANSFIELD: And the marked
2 excerpts offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: The marked excerpts
5 therefrom, bearing the same document number, will
6 receive exhibit No. 1537-A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1537-A and received in evidence.)

10 MR. JUSTICE MANSFIELD: This document
11 states that in June, 1945, Kempeitai personnel arrested
12 the witness' uncle and removed money and household
13 goods from their home. The witness was told by a
14 fellow prisoner that his uncle was tortured; his
15 uncle has never returned home since the arrest.

16 Prosecution document numbered 5138, being the
17 affidavit of Lieutenant Colonel E. L. St. J. COUCH
18 exhibiting three statements of OHN MYAING, MA SAN
19 THEEN and AH YI respectively, is produced for identi-
20 fication.

21 CLERK OF THE COURT: Prosecution's document
22 No 5138 will receive exhibit No. 1538 for identifi-
23 cation only.

24 (Whereupon, the document above re-
25 ferred to was marked prosecution's exhibit

1 No. 1538 for identification.)

2 MR. JUSTICE MANSFIELD: And the marked
3 excerpts now tendered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: The excerpts therefrom,
6 bearing the same document number, will receive
7 exhibit No. 1538-A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 1538-A and received in evidence.)

11 MR. JUSTICE MANSFIELD: This statement
12 relates to the massacre by Japanese of women and
13 children civilian inhabitants of the village of
14 EBIANG. They were pushed into a number of houses
15 and fired on by machine guns, and the houses set on
16 fire. Two girls, although wounded, escaped. One of
17 them, OHN MYAING states:

18 "We were pushed inside and after about two hours
19 we were fired on by machine guns. The firing continued
20 until all the crying and moaning had ceased. I was
21 wounded in my right hip, under my left arm and on
22 my right hand. If anyone cried out, the firing started
23 up again. When everything had been quiet for some
24 time, smoke began filling the room and one side of the
25 house was on fire. I tore up some floor boards and

1 escaped."

2 Prosecution document numbered 5337, being
3 the statement of Captain T. C. B. BURDEKIN, is now
4 offered for identification.

5 CLERK OF THE COURT: Prosecution's document
6 5337 will receive exhibit No. 1539 for identification
7 only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1539 for identification.)

11 MR. JUSTICE MANSFIELD: And the marked
12 excerpts produced in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: And the marked excerpts
15 therefrom, bearing the same document number, will
16 receive exhibit No. 1539-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1539-A and received in evidence.)

20 MR. JUSTICE MANSFIELD: This document in
21 paragraph II thereof relates the information obtained
22 in an official investigation of the events known as
23 the EBIANG Massacre, confirming the evidence of the
24 document last produced, No. 5138.

25 Prosecution document numbered 5137, being the

1 affidavit of Lieutenant Colonel E. L. St. J. Couch,
2 exhibiting charge sheet and Abstract of Evidence in
3 relation to the KALAGON Massacre, is now produced
4 for identification.

5 CLERK OF THE COURT: Prosecution's document
6 No. 5137 will receive exhibit No. 1540 for identi-
7 fication only.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1540 for identification.)

11 MR. JUSTICE MANSFIELD: And the marked
12 excerpts offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: And the marked excerpts
15 therefrom, bearing the same document number, will
16 receive exhibit No. 1540-A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1540-A and received in evidence.

20 MR. JUSTICE MANSFIELD: Prosecution docu-
21 ment numbered 5336, being the report of Lieutenant
22 Colonel A. M. Sturrock, President No 4 War Crimes
23 Court, Rangoon, in reference, inter alia, to the
24 KALAGON Massacre, is now offered for identification.

25 CLERK OF THE COURT: Prosecution's document

1 No. 5336 will receive exhibit No. 1541 for identi-
2 fication only.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1541 for identification.)

6 MR. JUSTICE MANSFIELD: And the marked
7 excerpts produced in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: And the marked excerpts
10 therefrom, bearing the same document number, will
11 receive exhibit No. 1541-A.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1541-A and received in evidence.)

15 MR. JUSTICE MANSFIELD: These documents
16 describe the proceedings before the Court and summarize
17 the evidence given. The villagers of KALAGON were
18 interrogated by the Kempeitai, beaten and tortured.
19 The massacre was carried out by taking the villagers
20 in groups of about twenty-five to the nearby wells
21 where they were bayoneted and thrown down the wells.

22 Witness for the Defence: Colonel TSUKUDA stated
23 that there was no trial and that since they were satis-
24 fied that the villagers had been acting in a manner
25 hostile to the Occupying Power, the Japanese were

1 justified in the circumstances, in carrying out a
2 mass execution.

3 The first Accused, the Commanding Officer of
4 the Unit carrying out the massacre, stated that he
5 thought the women and childrer were acting against
6 the Japanese Army. When asked how he justified the
7 killing of infant children, he said there was no other
8 alternative. He further said:

9 "Within the Orders I received, the killing of
10 the children was also included. If I spared the
11 children, they would be orphans and as such they
12 could not have a living. In order to save time and
13 carry out my duties, I could rot help killing them."

14 The evidence of the Headman of the village who
15 escaped was that of the 195 women, 175 men and 260
16 children collected by the Japanese, only a very few
17 escaped death.

18 Prosecution document numbered 5337, already in
19 evidence, in paragraph III thereof makes reference
20 to this massacre.

21 Prosecution document numbered 5336, of Lieutenant
22 Colonel A. M. STURROCK, already in evidence, also
23 contains summaries of the proceedings of five other
24 trials of Japanese for alleged war crimes. In four
25 of these cases convictions were registered.

1 Prosecution document numbered 5344, the signed
2 statement of MAUNG BU GYI, is now offered for
3 identification.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5344 will receive exhibit No. 1542 for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1542 for identification.

10 MR. JUSTICE MANSFIELD: And the marked
11 excerpts tendered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1542-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1542-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document describes
20 the beating of a woman with a rifle by Japanese,
21 at KYONLANA Village. She was stripped naked, as was
22 her nephew, and both were tied to a railway carriage
23 in the sun. Next day the witness saw bloodstains by
24 the river bank and, on enquiry, was told by an Indian,
25 also arrested with the woman, that she and the boy

1 had been decapitated. The bodies were thrown into
2 the river by the Indian.

3 Prosecution document numbered 5346, the signed
4 statement of MAUNG TUN SHWE, is now produced for
5 identification.

6 CLERK OF THE COURT: Prosecution's document
7 No. 5346 will receive exhibit No. 1543 for identi-
8 fication only.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1543 for identification.)

12 MR. JUSTICE MANSFIELD: And the excerpts
13 marked therein offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: The excerpts therefrom,
16 bearing the same document number, will receive
17 exhibit No. 1543-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1543-A and received in evidence.)

21 MR. JUSTICE MANSFIELD: This document states
22 that the witness, a Police Constable, accompanied a
23 Kempeitai Officer to a village where an old man and
24 another native were arrested on suspicion of being
25 concerned in the death of a Japanese soldier. These

1 men were tortured with water and then their feet
2 were burned. Several houses were burned down. They
3 were then taken to Inbin where they were decapitated.
4 Their bodies, when they had fallen into the trench,
5 were bayoneted by Japanese soldiers.

6 At Myanaung two other men were decapitated.

7 Prosecution document numbered 5347, the signed
8 statement of MAUNG KIN Mg. is now produced for
9 identification.

10 CLERK OF THE COURT: Prosecution's document
11 No. 5347 will receive exhibit No. 1544 for identifi-
12 cation only.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1544 for identification.)

16 MR. JUSTICE MANSFIELD: And the marked excerpts
17 offered in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: The marked excerpts
20 therefrom, bearing the same document number, will
21 receive exhibit No. 1544-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1544-A and received in evidence.)

25 MR. JUSTICE MANSFIELD: This document states

1 that the witness acted as an Interpreter for a
2 Japanese officer in May, 1945, at Ongun, when seven
3 Burmans were being questioned. They were taken to
4 Ongun cemetery and there beheaded. The witness
states:

5 "Although I had my hands over my ears, I could
6 hear the blows of the sword and the Japs saying, 'Oh,
7 that one isn't dead yet, bayonet him'! I heard cries
8 of 'Oh God!' coming from the trench."

9 On the next day, two white men, apparently
10 Airmen, who had witnessed the execution of the
11 Burmans, were themselves murdered in the same way.

12 The witness states:

13 "I have heard from coolies working for the Japan-
14 ese, of other executions. Sometimes there were execu-
15 tions of batches of six people, sometimes of batches
16 of up to 30 people."

17 Prosecution document numbered 5342, the signed
18 statement of Mg. PAN is produced for identification.

19 CLERK OF THE COURT: Prosecution's document
20 No. 5342 will receive exhibit No. 1545 for identi-
21 fication only.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1545 for identification.)
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1 MR. JUSTICE MANSFIELD: And the marked
2 excerpts therein offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpts
5 therefrom bearing the same document number will
6 receive exhibit No. 1545-A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No 1545-A and received in evidence.)

10 MR. JUSTICE MANSFIELD: This document relates
11 the torture of Burmese nationals by the Kempeitai at
12 Sharywa, the witness having been forcibly removed
13 there, after torture, in order to identify suspected
14 men. The witness saw his father, brother and other
15 men shot by the Japanese. The Headman's house was
16 set on fire.

17 Prosecution document numbered 5340, the
18 signed statement of SAW BO GYI GYAW is offered for
19 identification.

20 CLERK OF THE COURT: Prosecution's document
21 No 5340 will receive exhibit No. 1546 for identifi-
22 cation only.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1546 for identification.)

1 MR. JUSTICE MANSFIELD: And the marked
2 excerpts therein tendered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpts
5 therefrom, bearing the same document number, will
6 receive exhibit No. 1546-A.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1546-A and received in evidence.)

10 MR. JUSTICE MANSFIELD: This document states
11 that seven persons were executed in Thawaddy by
12 the Kempeitai. The execution was observed by the
13 witness from a window overlooking the compound within
14 which the people were shot.

15 Prosecution document numbered 5339, the sworn
16 statement of R. A. NICOL, is now tendered for identi-
17 fication.

18 CLERK OF THE COURT: Prosecution's document
19 No 5339 will receive exhibit No. 1547 for identi-
20 fication only.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1547 for identification.)

24 MR. JUSTICE MANSFIELD: And the excerpts
25 marked are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: And the marked excerpts
3 therefrom, bearing the same document number, will
4 receive exhibit No. 1547-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1547-A and received in evidence.)

8 MR. JUSTICE MANSFIELD: This statement
9 describes how the witness was taken to Moksokwin
10 forest in early 1945 as an interpreter. He saw
11 four Allied Airmen guarded by a party of Japanese
12 soldiers. After interrogation, the men were taken
13 into the forest and half an hour later, the Japanese
14 returned without the men, but carrying their clothes,
15 four pairs of shoes, a pick-axe and a shovel.

16 Prosecution document numbered 5348-A, being
17 the sworn statement of Mg. THAN Mg. is now produced
18 for identification.

19 CLERK OF THE COURT: Prosecution's document
20 numbered 5348-A will receive exhibit No. 1548 for
21 identification only.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1548 for identification.)

25 MR. JUSTICE MANSFIELD: And the marked

1 excerpts therein offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: And the marked excerpts
4 therefrom, bearing the same document number, will
5 receive exhibit No. 1548-A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1548-A and received in evidence.)

9 MR. JUSTICE MANSFIELD: The document states
10 that in August, 1944, at Sinikan the witness saw a
11 Burmese tied to a tree, ordered to say his prayers
12 and murdered by a Japanese, who hacked him all over
13 the body with a sword. This was the punishment
14 for refusing to disclose any knowledge of British
15 troops.
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1 Prosecution document No. 5348B, being the
2 sworn statement of Mg. THAN MAUNG, is now offered for
3 identification and the marked excerpts therefrom are
4 produced in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 5348B will receive exhibit No. 1549 for identifi-
8 cation only and the marked excerpts therefrom bearing
9 the same document number will receive prosecution's
10 exhibit No. 1549-A.

11 (Whereupon, prosecution document
12 No. 5348B was marked prosecution's exhibit
13 No. 1549 and the excerpts therefrom were marked
14 prosecution's exhibit No. 1549-A).
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1 MR. JUSTICE MANSFIELD: Prosecution document
2 No. 5354, being the unsworn statement of Sergeant Major
3 YOSHIKAWA, Sadaichiro, is now offered for identification.

4 CLERK OF THE COURT: Prosecution document
5 No. 5354 will be given exhibit No. 1550, for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1550 for identification.)

10 MR. JUSTICE MANSFIELD: And the marked excerpts
11 are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: And the marked excerpts
14 therefrom bearing the same document number will re-
15 ceived exhibit No. 1550-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution exhibit
18 No. 1550-A and received in evidence.

19 MR. JUSTICE MANSFIELD: These documents relate
20 to the murder of six Kachins near BURRAI in June 1944
21 because they were suspected of helping Allied troops
22 in the neighborhood. The six men were bayoneted to
23 death by the Japanese after being interrogated. The
24 latter document of Sergeant Major YOSHIKAWA is an ad-
25 mission of this incident.

1 Prosecution document No. 5359, the sworn state
2 ment of ROLAND JOSEPH, is now tendered for identifica-
3 tion.

4 CLERK OF THE COURT: Prosecution document
5 No. 5359 will receive exhibit No. 1551 for identifi-
6 cation only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1551 for identification.

10 MR. JUSTICE MANSFIELD: And the marked ex-
11 cerpts are produced in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: And the marked excerpts
14 therefrom bearing the same document number will re-
15 ceive exhibit No. 1551-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1551-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document states
20 that the witness saw Kempeitai personnel set fire to
21 the foot of an Indian, the foot having had kerosene oil
22 poured over it. The witness further states that he saw
23 a woman tied to a post and beaten, her longyi removed
24 and beaten again. She was dragged along the road by
25 a rope from her neck until unconscious.

1 A Japanese poured a pitcher full of boiling
2 water into an Indian's mouth. The man was pushed into
3 a water-filled trench and submerged several times until
4 unconscious. He was then removed and put into wooden
5 fetters.

1 MR. JUSTICE MANSFIELD: Prosecution document
2 numbered 5356, the solemn declaration of HARRY
3 JOSEPH, is produced for identification.

4 CLERK OF THE COURT: Prosecution's document
5 No. 5356 will receive exhibit No. 1552 for identi-
6 fication only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1552 for identification.)

10 MR. JUSTICE MANSFIELD: And the excerpts
11 marked therein offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: The marked excerpts
14 therefrom, bearing the same document number, will
15 receive exhibit No. 1552-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1552-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: This document states
20 that in April, 1945, the Kempeitai detachment at
21 Kyaikto stayed in the witness' house until June.
22 During this time, the witness observed the following
23 tortures carried out on their prisoners:

24 "(1) Beat the prisoners with big solid bamboo
25 sticks (approximate length 4'5" -- diameter 3")

1 "Beat the prisoners until they confessed (i.e.
2 forced confession).

3 "(2) During beating and interrogation, prisoners
4 were made to squat with hands and feet tied with
5 ropes.

6 "(3) The hands of the prisoners were tied with
7 ropes. Prisoners were then strung up to the roof of
8 the house by their hands so that their feet did not
9 touch the ground. Prisoners were left like this
10 for some time.

11 "(4) During interrogation, the prisoner's hands
12 and legs were splashed with large quantity of boiling
13 water.

14 "(5) The prisoner was blindfolded, then a large
15 quantity of water slowly poured into his mouth and
16 nostrils, so that the prisoner suffocated."
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1 MR. JUSTICE MANSFIELD: Prosecution document
2 No. 5361, the sworn statement of SIMA BAH'DUR, is now
3 tendered for identification.

4 CLERK OF THE COURT: Prosecution document
5 No. 5361 will receive exhibit No. 1553 for identifi-
6 cation only.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1553 for identification.)

10 MR. JUSTICE MANSFIELD: And the excerpt therein
11 is offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: And the marked excerpts
14 therein bearing the same document number will receive
15 exhibit No. 1553-A.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 1553-A and received in evidence.)

19 MR. JUSTICE MANSFIELD: The document states
20 that in January 1945 the witness and nearly a thousand
21 Indians were arrested. They were detained in a church
22 for a day without food and drink and then taken to
23 Haipaw where six hundred and twenty one men were packed
24 into a room about 25 feet square. There was no room
25 to lie down and the men were forced to sit with their

1 knees tucked under them, shoulder to shoulder. The
2 witness says, "I was detained in this room for thirty
3 eight days, never being allowed to go out. Our food
4 consisted of a small ball of rice and a pinch of salt
5 daily, with a very small quantity of water. We were
6 not allowed to leave the room to perform our natural
7 functions, this being done in the room through a small
8 hole that had been made in the floor. After a few days
9 the conditions in this room became practically unbearable,
10 the filth and stench becoming undecribable.

11 "During my stay in this 'HELL HOLE', approxi-
12 mately two hundred men died from various diseases, and
13 it was a common practice to leave the dead in the room
14 for a few hours, after which they would be taken out
15 by the Japanese and thrown into a trench or bomb-
16 crater, where they were left exposed to the air."

17 The witness and five other Gurkhas were then
18 taken to Monghai and into the jungle and "we were
19 forced to kneel down, after our hands had been tied be-
20 hind our backs. One of the Japanese, which one I do
21 not know, pulled my coat clear of my neck and I saw
22 that the other five were being dealt with in the same
23 manner. At this time, standing near us was one officer
24 and three soldiers, whilst at a distance I could see
25 about twenty five others. The officer took out his

1 sword and I saw him hand it to one of the soldiers and
2 point to me. The Japanese soldiers approached me from
3 behind and suddenly I felt a sharp pain in my neck, also
4 I felt the blood running over my face. After that I
5 lost consciousness and I cannot say what happened. The
6 following morning, just as the sun was rising I came
7 to my senses and found that I was soaked in blood. I
8 looked around and found that my five comrades were all
9 dead with their heads partly severed from their bodies."

10 A Doctor's certificate attached to the docu-
11 ment confirms the nature of the wound and describes
12 the man's consequent disability.

13 Prosecution document numbered 5364, the sworn
14 statement of BEL BAHADUR RAI, is now produced for
15 identification and the marked excerpts therein offered
16 in evidence.

17 CLERK OF THE COURT: Prosecution document
18 No. 5364 will be given exhibit No. 1554 for identifi-
19 cation only.

20 (Whereupon, the document above re-
21 ferred to was given exhibit No. 1544 for identi-
22 fication.)

23 MR. JUSTICE MANSFIELD: And the marked excerpts
24 therein are offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: And the excerpts there-
from bearing the same document number will receive
exhibit No. 1554-A.

(Whereupon, the document above re-
ferred to was marked prosecution's exhibit
No. 1544-A and received in evidence.)

MR. JUSTICE MANSFIELD: This document states
that in June 1944 the witness, who was acting as an
interpreter for the Kempeitai in Hopin, saw a Corporal
and two soldiers of the British Army who had been cap-
tured. The Corporal was wounded in his throat so
that he was unable to eat or drink. He was given no
medical aid and died in two days. The remaining sol-
diers and another who had just been captured were tied
together and taken to a nearby bomb crater where they
were shot by a Japanese Sergeant Major.

THE PRESIDENT: We will adjourn now until
half past nine to-morrow morning.

(Whereupon, at 1600, an adjournment
was taken until Tuesday, December 17, 1946,
at 0930.)

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